

## Message

**From:** Marquis, Matthew R [MarquisMR@state.gov]  
**Sent:** 3/5/2019 6:27:05 PM  
**To:** PM-DTCP-Tasking-DL [PM-DTCP-Tasking-DL@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**Subject:** CPA Media Monitoring: Arms Control Association: U.S. Firearms Export Changes Meet Challenges



## U.S. Firearms Export Changes Meet Challenges

By Jeff Abramson

4 March 2019

The Trump administration proposed changes in February to how the United States approves exports of certain firearms, a move that triggered quick responses from some congressional leaders who argued that the approach would be dangerous and reduce oversight. They warned that semiautomatic and military-style weapons, as well as 3D-printed "ghost" guns, would more easily end up in the hands of criminals, terrorists, and human rights abusers if the rules were to take effect.

Japanese police confiscated this batch of 3D printed guns in 2014. The Trump administration is seeking to modify how the United States oversees exports of some firearms, including plans for 3D printed weapons. (Photo: Jiji Press/AFP/Getty Images) Japanese police confiscated this batch of 3D printed guns in 2014. The Trump administration is seeking to modify how the United States oversees exports of some firearms, including plans for 3D printed weapons. (Photo: Jiji Press/AFP/Getty Images) Under the proposed rules, semiautomatic and nonautomatic firearms and their ammunition are deemed to "no longer warrant control under the United States Munitions List (USML)," a State Department-administered list of weapons. Instead, they would be transferred to a list administered by the Commerce Department, the Commerce Control List, an indication of the administration's view that these are "essentially commercial items widely available in retail outlets and less sensitive military items."

Sen. Bob Menendez (D-N.J.) sponsored legislation Feb. 12 that rejected the rationale for the change and would prohibit the transfer to Commerce Department oversight. The proposed new rules would "defy common sense," Menendez said in a statement. He added, "Small arms and associated ammunition are uniquely lethal. They are easily spread and easily modified and are the primary means of injury, death, and destruction in civil and military conflicts throughout the world."

The Senate measure also focused on the danger of 3D gun printing, with Menendez saying, "Every terrorist and criminal that wants to hijack an airplane with Americans onboard will more easily be able to smuggle 3D-printed, virtually undetectable guns aboard." Because online plans for 3D-printed guns currently controlled by the USML are deemed an export, a move to the Commerce Department would likely deregulate their control. The Commerce Department is not expected to impose licensing restrictions on what 3D print advocates are trying to make open-source information. An administration decision last year to allow the organization Defense Distributed to publish 3D plans online met an outcry and has been delayed in ongoing court cases.

On Feb. 26, Menendez sent a letter to U.S. Secretary of State Mike Pompeo placing a hold on the proposed rules change, but whether the administration will honor the hold remains to be seen. It could choose to publish the final rules this month, when the 30-day clock for congressional review that began Feb. 4 expires. Such changes typically then have a six-month implementation phase-in period.



House Foreign Affairs Committee Chairman Eliot Engel (D-N.Y.) co-sponsored a measure with Rep. Norma Torres (D-Calif.) on Feb. 9 that would also block the change. In his statement about the rules, Engel warned that Congress would lose its oversight role, which is needed "so we can step in and make sure these weapons aren't sent to bad actors, including terrorists, drug cartels, human rights abusers or violent criminals."

In 2002, Congress amended notification requirements so it would be informed of potential commercial sales of firearms under USML Category I when they were valued at just \$1 million, but no such notifications exist for items on the Commerce Control List.

Data compiled by the Security Assistance Monitor indicates that the Trump administration requested Congress to approve at least \$746 million in firearms sales to a total of 14 countries in 2018, more than two-thirds of which was for Saudi Arabia. The value of transfers that would be subject to the new rule is not clear as that data cannot be disaggregated from the automatic and other firearms that would remain on the USML.

The rules were considered during the Obama administration as part of a broader export control effort that transferred portions of the larger USML to Commerce Department control. Changes to firearms and ammunition in the first three USML categories were never formerly introduced, in part due to a different sensibility related to gun violence.

The Trump administration first introduced the rules for public comment in May 2018, garnering thousands of public responses.

These military-style weapons, although more tightly controlled in many other countries, have been sold domestically and used in many mass shootings, including at Sandy Hook Elementary School in Newtown, Conn.; the Pulse nightclub in Orlando, Fla., and Stoneman Douglas High School in Parkland, Fla. Human rights and gun control groups have backed the legislative efforts to stop the change. Kris Brown, president of the Brady Campaign, stated on Feb. 8, "While the corporate gun lobby is no doubt thrilled to be able to take their products to a wider audience, we need to be taking steps to reduce gun violence at home, rather than exporting it."

Link: <https://www.armscontrol.org/act/2019-03/news/us-firearms-export-changes-meet-challenges>

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**Matthew Marquis**

Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

Phone: 202.647.6968

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Message

**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/5/2019 6:29:27 PM  
**To:** Rogers, Shana A [RogersSA2@state.gov]  
**CC:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Subject:** RE: Draft letter to Menendez  
**Attachments:** 20190305 Menendez Response v1 (LPM) CM cmts.docx

Shana,  
I think this looks pretty good. [REDACTED]

Christine

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**From:** Rogers, Shana A <RogersSA2@state.gov>  
**Sent:** Tuesday, March 5, 2019 12:34 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Subject:** RE: Draft letter to Menendez

Thanks, Jeff [REDACTED]

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**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Tuesday, March 05, 2019 12:12 PM  
**To:** Rogers, Shana A <RogersSA2@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Subject:** RE: Draft letter to Menendez

A few edits marked. [REDACTED]

---

**From:** Rogers, Shana A <RogersSA2@state.gov>  
**Sent:** Tuesday, March 5, 2019 12:00 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Subject:** Draft letter to Menendez

Jeff,  
I pulled the attached together as a starting point for the response. [REDACTED]

Thanks,  
Shana

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Message

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**From:** Monjay, Robert [MonjayR@state.gov]  
**Sent:** 3/5/2019 8:03:07 PM  
**To:** Hamilton, Catherine E [HamiltonCE@state.gov]  
**Subject:** Key Points  
**Attachments:** CATS I-III MYTHS V FACTS Final Rule w revised narrative from PM website.DOCX; Miller at Heritage Final Rule.docx; Key Points of Transfer for Final Rule.docx

Cat,  
The Key Points document is a top level on what the rules do, both DOS and DOC. The Miller at Heritage has a bunch of  
TPs and the Myths and Facts has some background and more TPs.  
Thanks  
Rob

*Robert J. Monjay*  
*U.S. Department of State*  
*Office of Defense Trade Controls Policy*  
*Phone: 202.663.2817*  
*Mobile: [REDACTED]*  
*Email: [MonjayR@state.gov](mailto:MonjayR@state.gov)*  
[REDACTED]

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Message

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**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/5/2019 8:13:14 PM  
**To:** Kovar, Jeffrey D [KovarJD@state.gov]; Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** RE: Update from Commerce

Sure -- I'll call you now.

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**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Tuesday, March 5, 2019 3:12 PM  
**To:** Minarich, Christine M <MinarichCM@state.gov>; Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Update from Commerce

Would you call and we'll conference together? X7-9288

---

**From:** Minarich, Christine M <MinarichCM@state.gov>  
**Sent:** Tuesday, March 5, 2019 2:35 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>; Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** Update from Commerce

I just spoke with Liz Abraham. I have some updates on where Commerce is on Cats I-III.  
Christine

Christine Minarich  
Attorney-Adviser (L/PM)  
U.S. Department of State  
(202) 485-1646

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Message

---

**From:** Rogers, Shana A [RogersSA2@state.gov]  
**Sent:** 3/5/2019 8:52:01 PM  
**To:** Minarich, Christine M [MinarichCM@state.gov]; Kovar, Jeffrey D [KovarJD@state.gov]  
**Subject:** Cats I-III: AM and draft letter  
**Attachments:** 20190305 Menendez Response v1 (LPM).docx; 20190305\_DRAFT AM to S (L edits).docx; 20190305\_DRAFT AM to S (L edits) CLEAN.docx

Jeff,  
Attached please find the draft AM (clean and tracked versions from Christine's 10:55AM message) and clean draft response to Senator Menendez.

Thanks,  
Shana

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## Message

**From:** McKeeby, David I [McKeebyDI@state.gov]  
**Sent:** 3/5/2019 10:35:15 PM  
**To:** PM-DTCP-Tasking-DL [PM-DTCP-Tasking-DL@state.gov]; PM-DTCC-DL [PM-DTCC-DL@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**Subject:** CPA Media Monitoring: Defense One: We'll Soon Learn Whether You Can Post 3D-Gun Plans Online



## We'll Soon Learn Whether You Can Post 3D-Gun Plans Online

Defense One

By Katie Bo Williams Senior National Security Correspondent \_

March 5, 2019 5:08 PM ET

<https://www.defenseone.com/politics/2019/03/well-soon-learn-whether-you-can-post-3d-gun-plans-online/155326/>

*A proposed export-rules change has snagged over the question: is publishing 3D-gun designs a boon to U.S. business or foreign terrorists?*

**It's approaching high noon for a showdown** between the Trump administration and Congress over 3D-printed guns.

The Trump administration notified Congress last month that it intended to move jurisdiction for most commercial firearms exports from the State Department to the Commerce Department, a seemingly arcane bureaucratic move that has ignited a firestorm of controversy. Critics say Commerce's laxer export rules will allow criminals, terrorists, and human rights abusers access to a host of new weapons — including metal-free “ghost guns” manufactured on 3D printers.

Congress had 30 days to object to the rules change. Sen. Bob Menendez, D-N.J., on Feb. 4 issued a hold on the proposal, in part, he argued in associated legislation with other Senate Democrats, because it would allow for the “unfettered proliferation of untraceable, virtually undetectable, 3D printable guns that threaten public safety.”

On Tuesday, that 30 days ran out. It's not clear whether the Trump administration will honor Menendez's objection, or move to implement the change anyway. The executive branch is not legally required to comply with the hold, although past administrations have traditionally heeded such congressional strictures. The top Republican on the Senate Foreign Relations Committee, Sen. Jim Risch, R-Idaho, has said that he opposes any “further delays in the process.”

But administration officials have been marshalling their arguments. Last year, the Commerce Department said it was a “myth” that the transfer would deregulate the export of firearms, saying in a fact sheet that “the U.S. Government is not considering removing the export authorization requirements for any firearms regardless of which agency has licensing jurisdiction or the proposed destination.” It also claims that “as a result [of the change], foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies” because



“export licensing requirements and process implemented by the Department of Commerce will be calibrated both to the sensitivity of the item and the proposed destination.”

A bizarre legal drama has made 3D guns one key sticking point in what otherwise might have been an under-the-radar change originally conceived under the Obama administration. (The broader plan to reform export controls was shelved after the 2012 shooting in Newtown, Conn. killed 26 people, mainly children.)

In 2013, Cody Wilson, a law student and gun activist, posted the blueprints online to assemble a plastic gun from parts made on a 3D printer. The Directorate of Defense Trade Controls, the State Department office that controls firearms exports, took the position that publicly posting that information was the legal equivalent of emailing it to a foreign government — an “export.” Wilson’s company, Defense Distributed, took down the plans but sued the State Department.

Last summer brought a surprise twist: the State Department settled the case for around \$40,000 and allowed the plans back online. Hours before they were to be available again, a federal judge granted a request from eight states and the District of Columbia to temporarily block the settlement from taking effect. The State Department gave no rationale for its abrupt reversal, but the Trump administration was pursuing the rule change to shift the authority for the technology to the Commerce Department at the time.

Onlookers believe that moving the authority for online plans for 3D guns to the Commerce Department would effectively moot the judge’s restraining order. And the Commerce Department has signaled that it doesn’t intend to place any licensing restrictions on the kinds of plans Wilson sought to post online, of the kind that State originally sought to enforce. In its May Federal Registrar notice announcing the proposed change, it said that “if a gun manufacturer posts a firearm’s operation and maintenance manual on the Internet, making it publicly available to anyone interested in accessing it and without restrictions on further dissemination, the operation and maintenance information included in that published operation and maintenance manual would no longer be “subject to the [Export Administration Regulations].”

A handful of Democrats have sought to use any tool at their disposal to stymie the move. In addition to the Menendez hold, Sen. Ed Markey, D-Mass., has blocked indefinitely the **nomination of Clarke Cooper** to run the office in the State Department that oversees the Directorate of Defense Trade Controls. Cooper himself appears uncontroversial, and because of the ongoing interagency process, the State Department can’t unilaterally give Markey what he wants to release the hold — specifically that the administration maintain its prohibition on publishing the 3D gun blueprints online — leaving a senior post with a myriad of international responsibilities vacant with no clear resolution in sight.


Blocking the rule change permanently would require an act of Congress. Democratic lawmakers are weighing a number of pieces of legislation to address the matter — including blocking the authority transfer in statute and expressly banning posting 3D plans online — but their fate in a Republican-controlled Senate is murky. The change is supported by the firearms industry, traditionally backed by congressional Republicans favorable to more permissive gun laws. Manufacturers believe it will ease regulations and help them boost sales of small arms overseas.

Supporters argue the change keeps control of military-grade weapons at the State Department while moving widely available commercial weapons, like semi-automatic pistols, assault-style rifles, sniper rifles and ammunition, to a more natural home at the Commerce Department. The Defense Department and the State Department “will remain active” in vetting and approving exports, the Commerce Department said in its fact sheet, claiming that “foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies.”

“This is good for: U.S. manufacturing, the defense industrial base, security of supply to the U.S. military, and interoperability with allies, to name but a few benefits.”



Some legal experts and arms control advocates argue that trying to regulate plastic guns as an export was never the ideal way to keep them out of the hands of criminals and terrorists at home. While the court blocked Wilson from posting his plans on the internet for free, it expressly permitted him to email or otherwise securely transmit them as long as he verifies that the recipient is within the U.S.

“There are genuine issues raised by plastic guns, but they need to be addressed directly, not through export laws designed to keep U.S. guns out of foreigners’ hands without State Department approval,” wrote Clif Burns, an attorney who specializes in export controls. 

Link: <https://www.defenseone.com/politics/2019/03/well-soon-learn-whether-you-can-post-3d-gun-plans-online/155326/?oref=d-river>

---

**David I. McKeeby**

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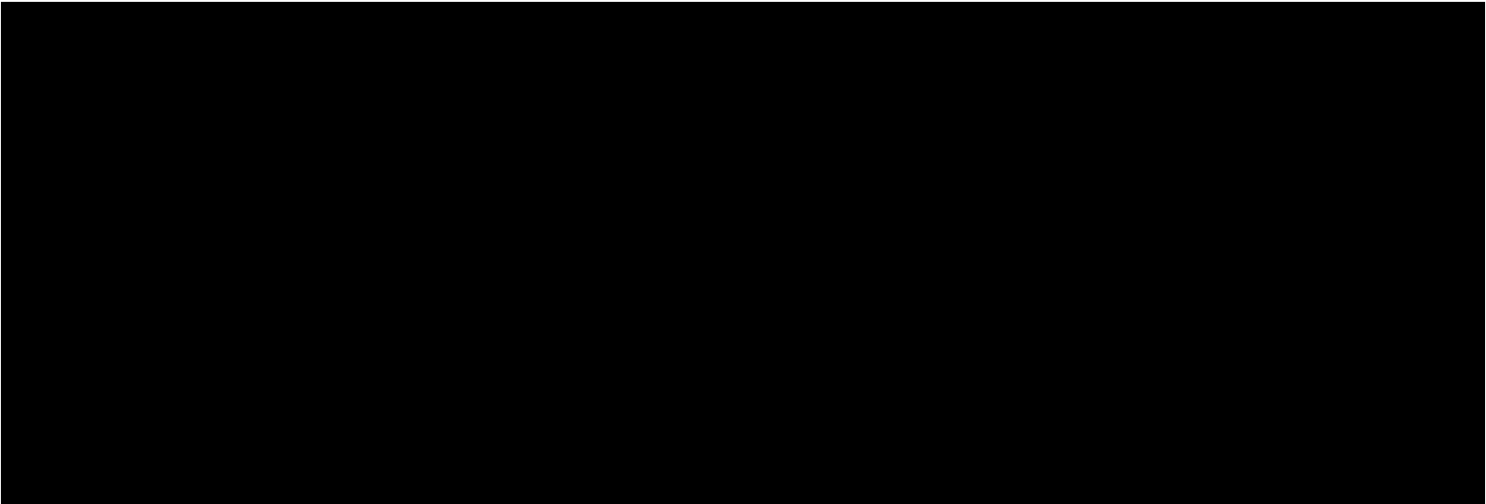
Message

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**From:** Monjay, Robert [MonjayR@state.gov]  
**Sent:** 3/5/2019 11:43:14 PM  
**To:** String, Marik A [StringMA@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** TPs

Marik,


Here are the points for Mary Elizabeth for S:



Thanks

Rob

*Robert J. Monjay*  
*U.S. Department of State*  
*Office of Defense Trade Controls Policy*  
*Phone: 202.663.2817*  
*Mobile: [REDACTED]*  
*Email: MonjayR@state.gov*



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**From:** Monjay, Robert [MonjayR@state.gov]  
**Sent:** 3/5/2019 11:46:35 PM  
**To:** String, Marik A [StringMA@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** Options

Marik,



Thanks


Rob

*Robert J. Monjay*


*U.S. Department of State*

*Office of Defense Trade Controls Policy*

*Phone: 202.663.2817*

*Mobile:* 

*Email: [MonjayR@state.gov](mailto:MonjayR@state.gov)*



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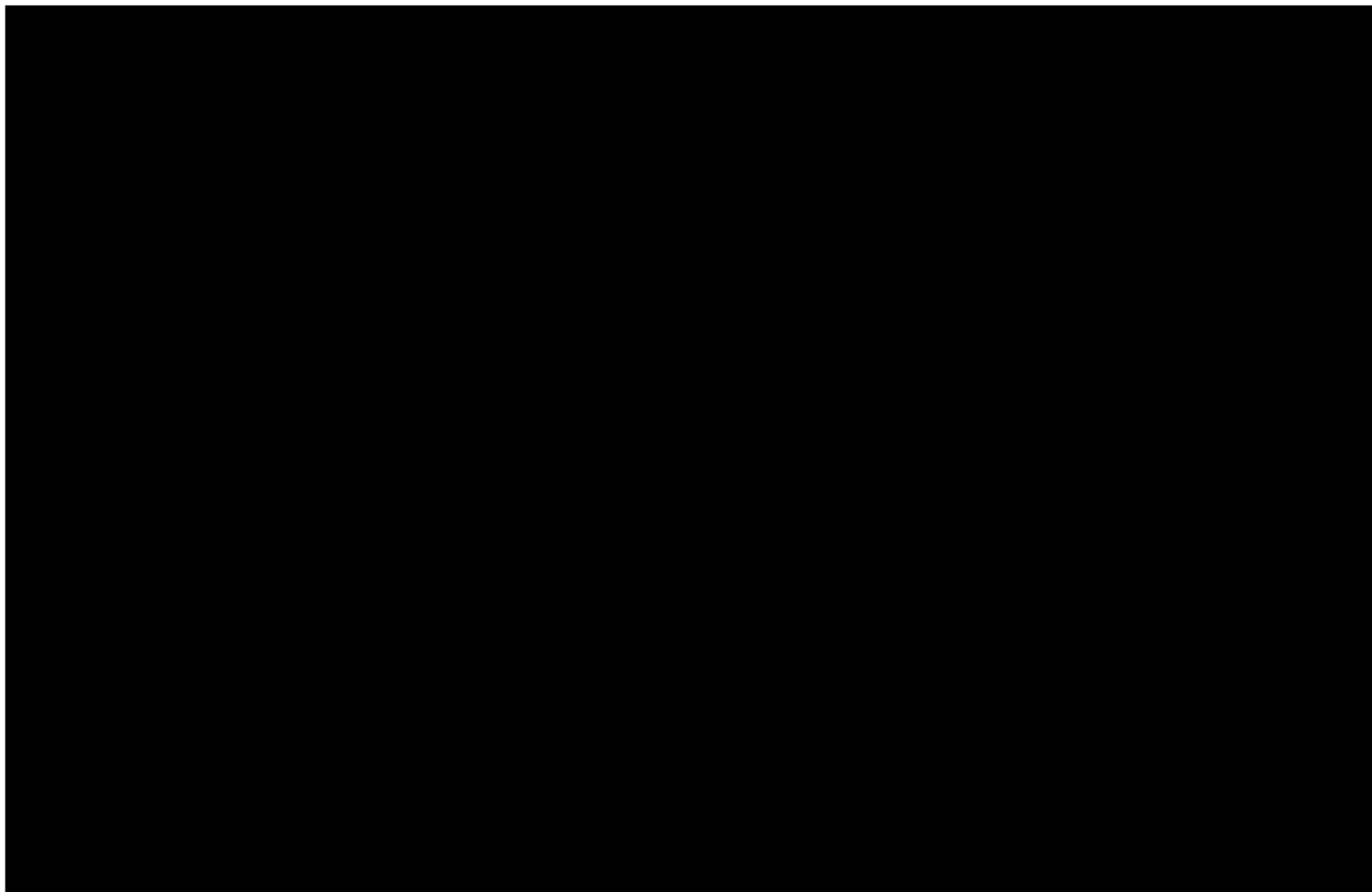
Message

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**From:** String, Marik A [StringMA@state.gov]  
**Sent:** 3/6/2019 12:55:39 AM  
**To:** Taylor, Mary Elizabeth [TaylorME3@state.gov]; Donnelly, Colleen G [DonnellyCG@state.gov]; Barz, Chloe O [BarzCO@state.gov]  
**Subject:** TPs

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As discussed --



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**From:** Donnelly, Colleen G [DonnellyCG@state.gov]  
**Sent:** 3/6/2019 1:04:39 AM  
**To:** String, Marik A [StringMA@state.gov]  
**Subject:** Re: TPs

Marik [REDACTED]  
[REDACTED]

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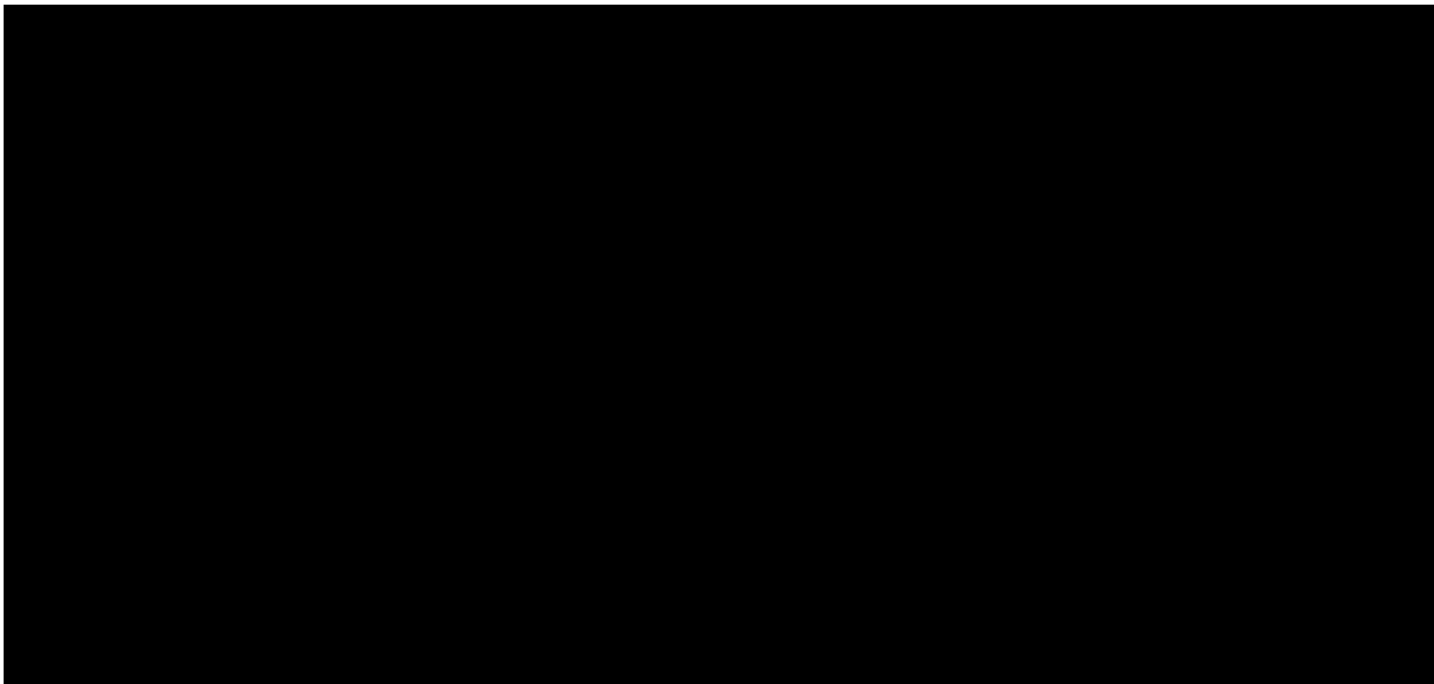
**From:** String, Marik A <stringma@state.gov>  
**Sent:** Tuesday, March 5, 2019 7:55 PM  
**To:** Taylor, Mary Elizabeth; Donnelly, Colleen G; Barz, Chloe O  
**Subject:** TPs

[SBU – Deliberative Process](#)

As discussed --

[REDACTED]





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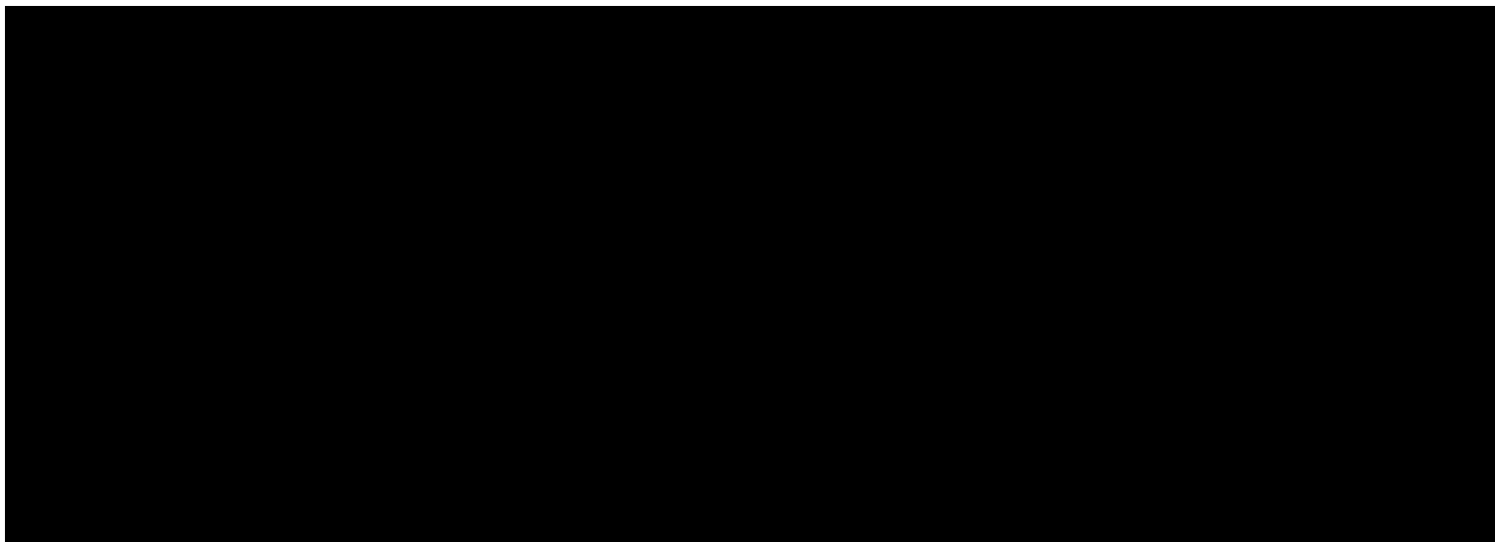


Message

---

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/6/2019 1:05:42 AM  
**To:** Newstead, Jennifer G [NewsteadJG@state.gov]  
**CC:** Dorosin, Joshua L [DorosinJL@state.gov]; Minarich, Christine M [MinarichCM@state.gov]; Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** Draft Action Memo on ITAR Rule  
**Attachments:** 20190305\_DRAFT AM to S (L edits) CLEAN.docx; 02-22-19 Menendez Letter on Hold on CAT I-III Transfer.pdf

Jennifer:



Jeff

\*\*\*\*\*

*Jeffrey D. Kovar*  
*Assistant Legal Adviser for Political Military Affairs*  
*U.S. Department of State*  
*2201 C ST NW*  
*Washington DC 20520-6421*  
*(o) 202-647-9288*  
*(c) [REDACTED]*



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CHRISTOPHER MURPHY, CONNECTICUT  
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EDWARD J. MARKEY, MASSACHUSETTS  
JEFF MERKLEY, OREGON  
CORY A. BOOKER, NEW JERSEY

## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

February 22, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Secretary Pompeo:

On February 4, 2019, I received a congressional notification from the Department for a proposal to transfer responsibility for the export control of firearms and ammunition from the United States Munitions list (USML) to the Commerce Control List (CCL). I write to inform you that I am placing a hold on the congressional notification, pursuant to the authority of Section 38(f) of the Arms Export Control Act (AECA).

I am deeply concerned about this proposed transfer. As you no doubt are aware, firearms and ammunition – especially those derived from military models and widely used by military and security services – are uniquely dangerous. They are easily modified, diverted, and proliferated, and are the primary means of injury, death, and destruction in civil and military conflicts throughout the world. As such, they should be subject to more, not less, rigorous export controls and oversight.

Combat rifles, including those commonly known as “sniper rifles,” should not be removed from the USML, nor should rifles of any type that are U.S. military-standard 5.56 (and especially .50 caliber). Semi-automatic firearms should also not be removed, and neither should related equipment, ammunition, or associated manufacturing equipment, technology, or technical data.

Consequently, my hold will remain in place until such time as the issues identified below are sufficiently addressed.

### 1) Removal of Firearms Exports from Congressional Information and Review

The AECA enables congressional review of exports of lethal weapons to ensure that they comport with U.S. foreign policy interests. Congress took action in 2002 to ensure that the sale and export of these weapons would receive stringent oversight, including by amending the AECA to set a lower reporting threshold (from \$14 million to \$1 million) specifically for firearms on the USML. Moving such firearms from the USML to the CCL would directly



contradict congressional intent and effectively eliminate congressional oversight and potential disapproval of exports of these weapons. Congressional oversight must be retained.

## 2) Proliferation of 3D Gun Printing Technical Information

There is a serious risk that this transfer will open the floodgates of information for the 3D printing of nearly-undetectable firearms and components by foreign persons and terrorists that intend to harm U.S. citizens and interests. The Department of Commerce claims that it cannot, by its own regulations, prevent the publication, including on the Internet for global consumption, of technical information and blueprint files that would enable this 3D production, if such information has once been published, even illegally. This is outrageous and simply unacceptable given the dangers it poses to U.S. citizens and interests.

Moreover, it may also be at variance with recent law. Section 1758 of the Export Control Reform Act of 2018 authorizes the Secretary of Commerce to control “emerging and foundational technologies” that (A) are essential to the national security of the United States; and (B) are not critical technologies described in clauses (i) through (v) of section 721(a)(6)(A) of the Defense Production Act of 1950. 3D printing has been identified by this Administration as an emerging technology of concern, and the Department of Commerce itself used 3D printing as an example of “emerging technology” in its November 19, 2018 Federal Register notice seeking public comment on what constitutes emerging technologies pursuant to this new statutory charge. Then-Secretary of Defense Mattis twice mentioned the challenges of 3D printing in congressional testimony, and Director of National Intelligence Coats, in his 2018 Worldwide Threat Assessment of the U.S. Intelligence Community, stated that, “[a]dvances in manufacturing, particularly the development of 3D printing, almost certainly will become even more accessible to a variety of state and non-state actors and be used in ways contrary to our interests.”

It would seem axiomatic that the capability to 3D-print lethal weaponry that cannot easily or reliably be detected by metal detectors at airports, schools, governmental or other facilities (including the U.S. Capitol and the Department of State) would qualify as an emerging technology in need of regulatory control. Yet, the Commerce Department has told my staff that the interagency process to identify emerging and foundational technologies to be controlled has not been completed, and is unlikely to be completed for months. By proceeding with the transfer of firearms, including 3D printing technical information, to Commerce, the Administration is acting recklessly and endangering innocent lives. It should go without saying that we collectively need to understand the threat and have a plan to address this issue before making the regulatory change.

Moreover, the Department of Commerce would seem to have adequate additional regulatory authority to control 3D gun printing information, at least temporarily. Commerce can control any item for foreign policy reasons under the miscellaneous category of 0Y521, according to a final rule issued by Commerce in 2012. Preventing foreign terrorists and thugs from acquiring



the means to print undetectable guns to use against U.S. citizens is a sufficient foreign policy justification to control this technology from public release.

Ultimately, the specific provision of the Export Administration Regulations is cited as preventing Commerce from controlling the publication of 3D Printed guns in the longer term needs to be rewritten to permit this control. Until that occurs, or until Commerce determines that such technical information can and will be controlled, this technical information cannot and should not be transferred from USML to the CCL.

I look forward to your prompt response to my concerns.

Sincerely,

A handwritten signature in black ink, reading "Robert Menendez". The signature is fluid and cursive, with a large, stylized "R" and "M".

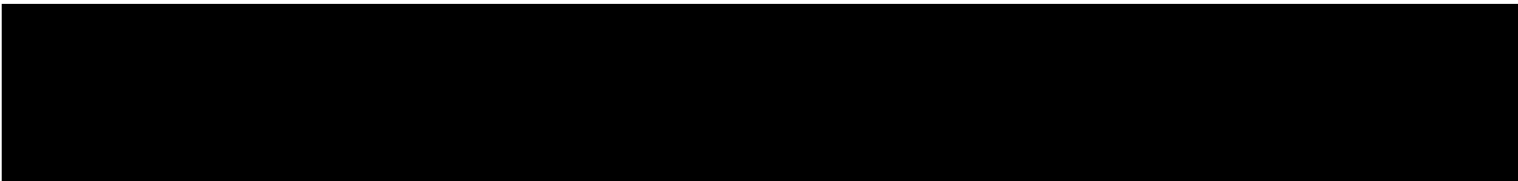
Robert Menendez  
Ranking Member

CC: The Honorable Wilbur Ross, U.S. Secretary of Commerce




Message


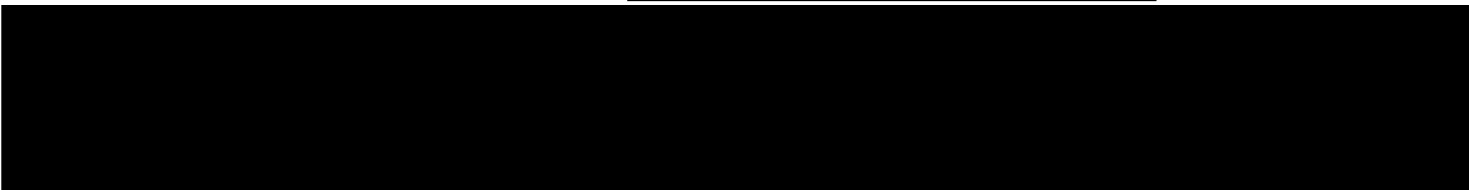
**From:** Miller, Michael F [MillerMF@state.gov]  
**Sent:** 3/6/2019 1:05:30 AM  
**To:** String, Marik A [StringMA@state.gov]; Monjay, Robert [MonjayR@state.gov]  
**CC:** Heidema, Sarah J [HeidemaSJ@state.gov]; Paul, Joshua M [PaulJM@state.gov]; Kovar, Jeffrey D [KovarJD@state.gov]  
**Subject:** RE: Options



---

**From:** String, Marik A <StringMA@state.gov>  
**Date:** March 5, 2019 at 7:46:54 PM EST  
**To:** Monjay, Robert <MonjayR@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>, Paul, Joshua M <PaulJM@state.gov>, Kovar, Jeffrey D <KovarJD@state.gov>  
**Subject:** RE: Options

Rob, thanks, a few refinements. + Josh and Jeff. 



Sensitive but Unclassified—Deliberative Process

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Message

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/6/2019 1:06:06 AM  
**To:** String, Marik A [StringMA@state.gov]; Monjay, Robert [MonjayR@state.gov]  
**CC:** Miller, Michael F [Millermf@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Paul, Joshua M [PaulJM@state.gov]  
**Subject:** RE: Options

Thanks

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Tuesday, March 5, 2019 7:47 PM  
**To:** Monjay, Robert <MonjayR@state.gov>  
**Cc:** Miller, Michael F <Millermf@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>  
**Subject:** RE: Options

Rob, thanks, a few refinements. + Josh and Jeff. [REDACTED]

[REDACTED]

[REDACTED]

Sensitive but Unclassified—Deliberative Process

Official - SBU  
UNCLASSIFIED



Message

---

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/6/2019 1:06:23 AM  
**To:** Minarich, Christine M [MinarichCM@state.gov]; Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** FW: Options

Let's discuss tomorrow.

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Tuesday, March 5, 2019 7:47 PM  
**To:** Monjay, Robert <MonjayR@state.gov>  
**Cc:** Miller, Michael F <Millermf@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>  
**Subject:** RE: Options

Rob, thanks, a few refinements. + Josh and Jeff. [REDACTED]

[REDACTED]

[REDACTED]

Sensitive but Unclassified—Deliberative Process

Official - SBU  
UNCLASSIFIED



Message

**From:** String, Marik A [StringMA@state.gov]  
**Sent:** 3/6/2019 1:09:15 AM  
**To:** Donnelly, Colleen G [DonnellyCG@state.gov]  
**Subject:** RE: TPs

That works.

**Official**  
**UNCLASSIFIED**

---

**From:** Donnelly, Colleen G <DonnellyCG@state.gov>  
**Sent:** Tuesday, March 5, 2019 8:05 PM  
**To:** String, Marik A <StringMA@state.gov>  
**Subject:** Re: TPs

Marik [REDACTED]

[Get Outlook for iOS](#)

---

**From:** String, Marik A <stringma@state.gov>  
**Sent:** Tuesday, March 5, 2019 7:55 PM  
**To:** Taylor, Mary Elizabeth; Donnelly, Colleen G; Barz, Chloe O  
**Subject:** TPs

SBU – Deliberative Process

As discussed --





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Message

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**From:** Donnelly, Colleen G [DonnellyCG@state.gov]  
**Sent:** 3/6/2019 1:11:59 AM  
**To:** String, Marik A [StringMA@state.gov]; Taylor, Mary Elizabeth [TaylorME3@state.gov]; Barz, Chloe O [BarzCO@state.gov]  
**Subject:** Re: TPs

Get [Outlook for iOS](#)

---

**From:** String, Marik A <stringma@state.gov>  
**Sent:** Tuesday, March 5, 2019 7:55 PM  
**To:** Taylor, Mary Elizabeth; Donnelly, Colleen G; Barz, Chloe O  
**Subject:** TPs

SBU – Deliberative Process

As discussed --



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Message

**From:** Taylor, Mary Elizabeth [TaylorME3@state.gov]  
**Sent:** 3/6/2019 1:13:14 AM  
**To:** String, Marik A [StringMA@state.gov]; Donnelly, Colleen G [DonnellyCG@state.gov]  
**Subject:** FW: Clarke Cooper Mentioned - Defense One - We'll Soon Learn Whether You Can Post 3D-Gun Plans Online

**Official**  
**UNCLASSIFIED**

---

**From:** Phalen, Susan A <PhalenSA@state.gov>  
**Sent:** Tuesday, March 5, 2019 5:30 PM  
**To:** T\_SpecAssts <T\_SpecAssts@state.gov>; PM-CPA <PM-CPA@state.gov>; Taylor, Mary Elizabeth <TaylorME3@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>  
**Subject:** Clarke Cooper Mentioned - Defense One - We'll Soon Learn Whether You Can Post 3D-Gun Plans Online

FYSA  
Clarke Cooper mentioned...highlighted below

## We'll Soon Learn Whether You Can Post 3D-Gun Plans Online

Defense One

By Katie Bo Williams Senior National Security Correspondent \_

March 5, 2019 5:08 PM ET

<https://www.defenseone.com/politics/2019/03/well-soon-learn-whether-you-can-post-3d-gun-plans-online/155326/>

*A proposed export-rules change has snagged over the question: is publishing 3D-gun designs a boon to U.S. business or foreign terrorists?*

**It's approaching high noon for a showdown** between the Trump administration and Congress over 3D-printed guns.

The Trump administration notified Congress last month that it intended to move jurisdiction for most commercial firearms exports from the State Department to the Commerce Department, a seemingly arcane bureaucratic move that has ignited a firestorm of controversy. Critics say Commerce's laxer export rules will allow criminals, terrorists, and human rights abusers access to a host of new weapons — including metal-free “ghost guns” manufactured on 3D printers.

Congress had 30 days to object to the rules change. Sen. Bob Menendez, D-N.J., on Feb. 4 issued a hold on the proposal, in part, he argued in associated legislation with other Senate Democrats, because it would allow for the “unfettered proliferation of untraceable, virtually undetectable, 3D printable guns that threaten public safety.”

On Tuesday, that 30 days ran out. It's not clear whether the Trump administration will honor Menendez's objection, or move to implement the change anyway. The executive branch is not legally required to comply



with the hold, although past administrations have traditionally heeded such congressional strictures. The top Republican on the Senate Foreign Relations Committee, Sen. Jim Risch, R-Idaho, has said that he opposes any “further delays in the process.”

But administration officials have been marshalling their arguments. Last year, the Commerce Department said it was a “myth” that the transfer would deregulate the export of firearms, saying in a fact sheet that “the U.S. Government is not considering removing the export authorization requirements for any firearms regardless of which agency has licensing jurisdiction or the proposed destination.” It also claims that “as a result [of the change], foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies” because “export licensing requirements and process implemented by the Department of Commerce will be calibrated both to the sensitivity of the item and the proposed destination.”

A bizarre legal drama has made 3D guns one key sticking point in what otherwise might have been an under-the-radar change originally conceived under the Obama administration. (The broader plan to reform export controls was shelved after the 2012 shooting in Newtown, Conn. killed 26 people, mainly children.)

In 2013, Cody Wilson, a law student and gun activist, posted the blueprints online to assemble a plastic gun from parts made on a 3D printer. The Directorate of Defense Trade Controls, the State Department office that controls firearms exports, took the position that publicly posting that information was the legal equivalent of emailing it to a foreign government — an “export.” Wilson’s company, Defense Distributed, took down the plans but sued the State Department.

Last summer brought a surprise twist: the State Department settled the case for around \$40,000 and allowed the plans back online. Hours before they were to be available again, a federal judge granted a request from eight states and the District of Columbia to temporarily block the settlement from taking effect. The State Department gave no rationale for its abrupt reversal, but the Trump administration was pursuing the rule change to shift the authority for the technology to the Commerce Department at the time.

Onlookers believe that moving the authority for online plans for 3D guns to the Commerce Department would effectively moot the judge’s restraining order. And the Commerce Department has signaled that it doesn’t intend to place any licensing restrictions on the kinds of plans Wilson sought to post online, of the kind that State originally sought to enforce. In its May Federal Registrar notice announcing the proposed change, it said that “if a gun manufacturer posts a firearm’s operation and maintenance manual on the Internet, making it publicly available to anyone interested in accessing it and without restrictions on further dissemination, the operation and maintenance information included in that published operation and maintenance manual would no longer be “subject to the [Export Administration Regulations].”

A handful of Democrats have sought to use any tool at their disposal to stymie the move. In addition to the Menendez hold, Sen. Ed Markey, D-Mass., has blocked indefinitely the **nomination of Clarke Cooper** to run the office in the State Department that oversees the Directorate of Defense Trade Controls. Cooper himself appears uncontroversial, and because of the ongoing interagency process, the State Department can’t unilaterally give Markey what he wants to release the hold — specifically that the administration maintain its prohibition on publishing the 3D gun blueprints online — leaving a senior post with a myriad of international responsibilities vacant with no clear resolution in sight.


Blocking the rule change permanently would require an act of Congress. Democratic lawmakers are weighing a number of pieces of legislation to address the matter — including blocking the authority transfer in statute and expressly banning posting 3D plans online — but their fate in a Republican-controlled Senate is murky. The change is supported by the firearms industry, traditionally backed by congressional Republicans favorable to more permissive gun laws. Manufacturers believe it will ease regulations and help them boost sales of small arms overseas.



Supporters argue the change keeps control of military-grade weapons at the State Department while moving widely available commercial weapons, like semi-automatic pistols, assault-style rifles, sniper rifles and ammunition, to a more natural home at the Commerce Department. The Defense Department and the State Department “will remain active” in vetting and approving exports, the Commerce Department said in its fact sheet, claiming that “foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies.”

“This is good for: U.S. manufacturing, the defense industrial base, security of supply to the U.S. military, and interoperability with allies, to name but a few benefits.”

Some legal experts and arms control advocates argue that trying to regulate plastic guns as an export was never the ideal way to keep them out of the hands of criminals and terrorists at home. While the court blocked Wilson from posting his plans on the internet for free, it expressly permitted him to email or otherwise security transmit them as long as he verifies that the recipient is within the U.S.

“There are genuine issues raised by plastic guns, but they need to be addressed directly, not through export laws designed to keep U.S. guns out of foreigners’ hands without State Department approval,” wrote Clif Burns, an attorney who specializes in export controls. 

Susan Phalen  
Senior Advisor  
Office of the Under Secretary for Arms Control & International Security  
U.S. Department of State  
Desk - 202-647-4397  
Cell – 202-340-3458  
[PhalenSA@state.gov](mailto:PhalenSA@state.gov)

**Official**  
**UNCLASSIFIED**



Message

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**From:** Miller, Michael F [MillerMF@state.gov]  
**Sent:** 3/6/2019 1:50:43 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]; String, Marik A [StringMA@state.gov]  
**Subject:** RE: Options

[REDACTED]

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Date:** March 6, 2019 at 8:00:34 AM EST  
**To:** String, Marik A <StringMA@state.gov>, Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Options

[REDACTED]

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Wednesday, March 06, 2019 8:00 AM  
**To:** Paul, Joshua M <PaulJM@state.gov>; Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Options

[REDACTED]

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Date:** March 6, 2019 at 7:55:47 AM EST  
**To:** String, Marik A <StringMA@state.gov>, Miller, Michael F <MillerMF@state.gov>, Monjay, Robert <MonjayR@state.gov>  
**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>, Kovar, Jeffrey D <KovarJD@state.gov>  
**Subject:** RE: Options

[REDACTED]


---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Tuesday, March 05, 2019 9:09 PM  
**To:** Miller, Michael F <MillerMF@state.gov>; Monjay, Robert <MonjayR@state.gov>  
**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Kovar, Jeffrey D



<KovarJD@state.gov>

Subject: RE: Options



---

**From:** Miller, Michael F <MillerMF@state.gov>

**Date:** March 5, 2019 at 8:55:17 PM EST

**To:** String, Marik A <StringMA@state.gov>, Monjay, Robert <MonjayR@state.gov>

**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>, Paul, Joshua M <PaulJM@state.gov>, Kovar, Jeffrey D <KovarJD@state.gov>

**Subject:** RE: Options



+++++

**From:** String, Marik A <StringMA@state.gov>

**Date:** March 5, 2019 at 8:07:01 PM EST

**To:** Miller, Michael F <MillerMF@state.gov>, Monjay, Robert <MonjayR@state.gov>

**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>, Paul, Joshua M <PaulJM@state.gov>, Kovar, Jeffrey D <KovarJD@state.gov>

**Subject:** RE: Options



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**UNCLASSIFIED**

---

**From:** Miller, Michael F <MillerMF@state.gov>

**Sent:** Tuesday, March 5, 2019 8:06 PM

**To:** String, Marik A <StringMA@state.gov>; Monjay, Robert <MonjayR@state.gov>

**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>

**Subject:** RE: Options



---

**From:** String, Marik A <StringMA@state.gov>

**Date:** March 5, 2019 at 7:46:54 PM EST

**To:** Monjay, Robert <MonjayR@state.gov>

**Cc:** Miller, Michael F <MillerMF@state.gov>, Heidema, Sarah J <HeidemaSJ@state.gov>, Paul, Joshua M



<PaulJM@state.gov>, Kovar, Jeffrey D <KovarJD@state.gov>

**Subject:** RE: Options

Rob, thanks, a few refinements. + Josh and Jeff. [REDACTED]

[REDACTED]

[REDACTED]

Sensitive but Unclassified—Deliberative Process

**Official - SBU**  
**UNCLASSIFIED**



Message

**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/6/2019 2:29:36 PM  
**To:** Kovar, Jeffrey D [KovarJD@state.gov]  
**CC:** Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** RE: Options

Great. Thanks.

**Official**  
**UNCLASSIFIED**

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**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Wednesday, March 6, 2019 9:26 AM  
**To:** Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Options

---

**From:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>  
**Sent:** Wednesday, March 6, 2019 9:23 AM  
**To:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Cc:** Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>  
**Subject:** RE: Options

Jeff,



Christine

**Official - SBU (Attorney Work Product, Deliberative Process)**  
**UNCLASSIFIED**


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**From:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Sent:** Wednesday, March 6, 2019 8:57 AM  
**To:** Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>; Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>  
**Subject:** FW: Options

fyi


---

**From:** Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>  
**Sent:** Wednesday, March 6, 2019 7:56 AM  
**To:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>; Miller, Michael F <[MillerMF@state.gov](mailto:MillerMF@state.gov)>; Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>  
**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Subject:** RE: Options




---

**From:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>  
**Sent:** Tuesday, March 05, 2019 9:09 PM  
**To:** Miller, Michael F <[MillerMF@state.gov](mailto:MillerMF@state.gov)>; Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>  
**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Subject:** RE: Options



---

**From:** Miller, Michael F <[MillerMF@state.gov](mailto:MillerMF@state.gov)>  
**Date:** March 5, 2019 at 8:55:17 PM EST  
**To:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>, Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>  
**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>, Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>, Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Subject:** RE: Options



+++++

**From:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>  
**Date:** March 5, 2019 at 8:07:01 PM EST  
**To:** Miller, Michael F <[MillerMF@state.gov](mailto:MillerMF@state.gov)>, Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>



**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>, Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>, Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>

**Subject:** RE: Options



**Official**

UNCLASSIFIED

---

**From:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>

**Sent:** Tuesday, March 5, 2019 8:06 PM

**To:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>; Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>

**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>

**Subject:** RE: Options



---

**From:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>

**Date:** March 5, 2019 at 7:46:54 PM EST

**To:** Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>

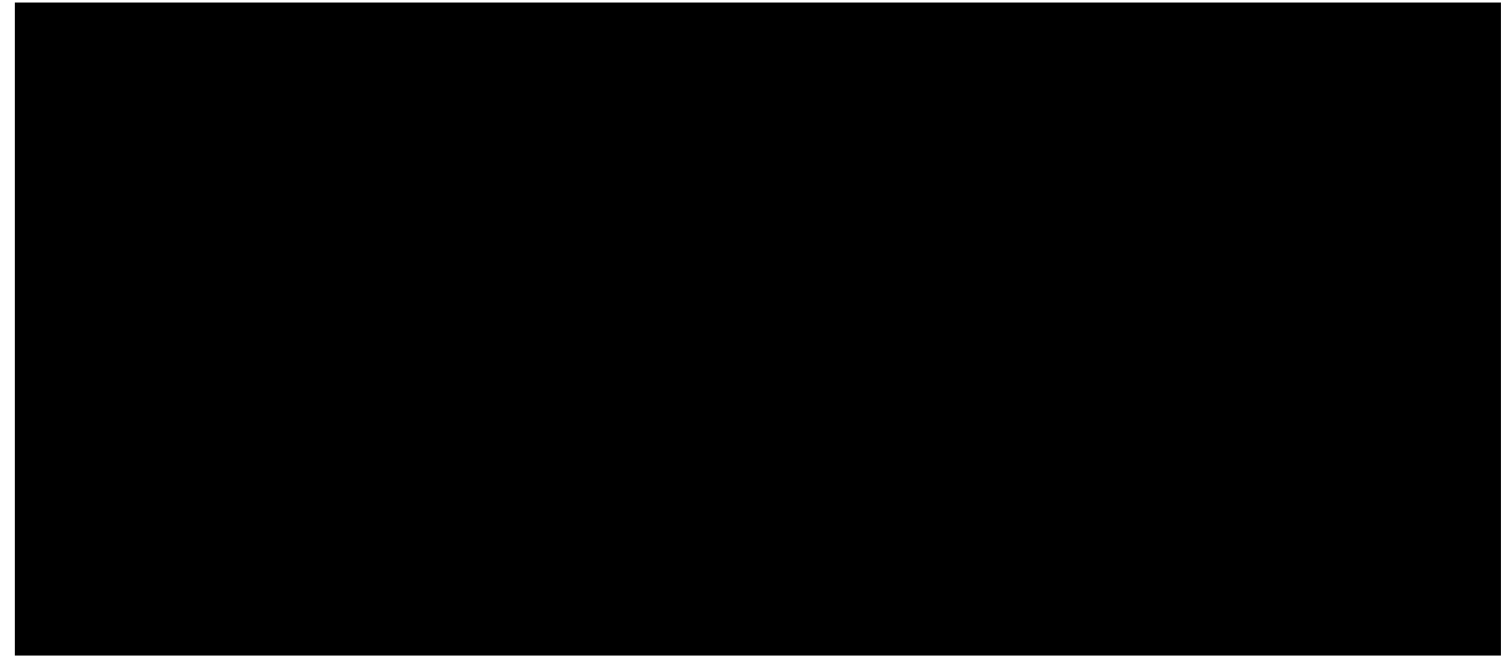
**Cc:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>, Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>, Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>, Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>

**Subject:** RE: Options

Rob, thanks, a few refinements. + Josh and Jeff. 







Sensitive but Unclassified—Deliberative Process

**Official - SBU**

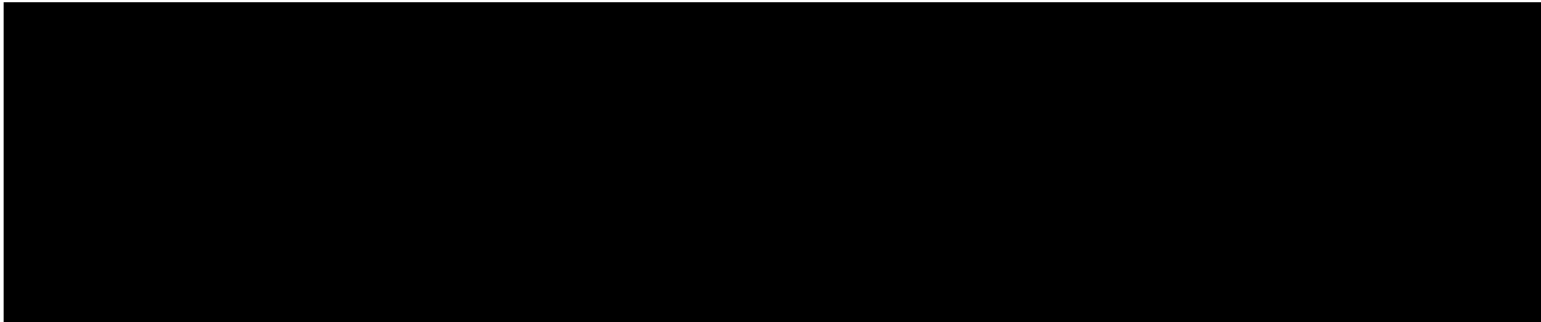
**UNCLASSIFIED**



Message

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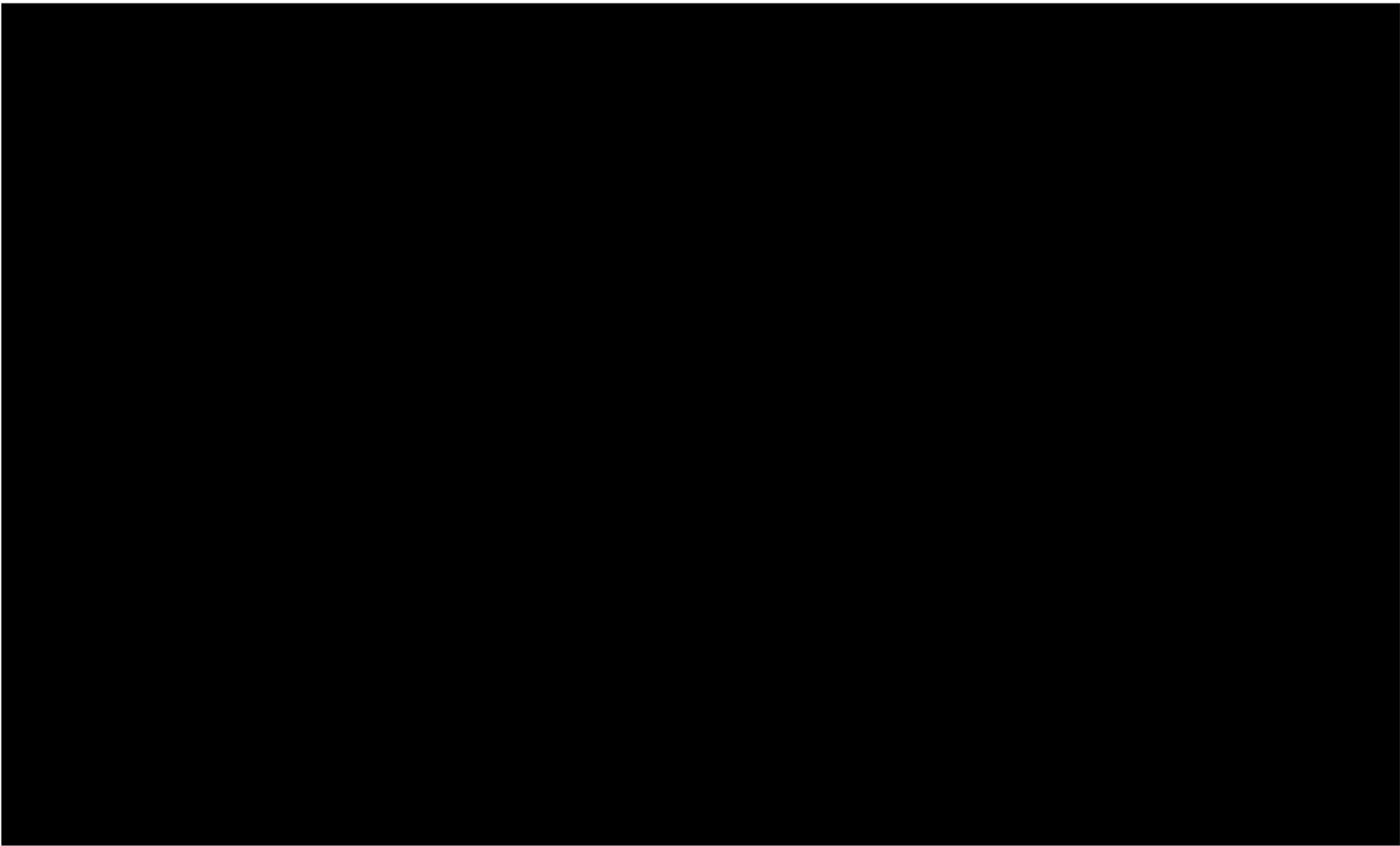
**From:** Donnelly, Colleen G [DonnellyCG@state.gov]  
**Sent:** 3/6/2019 6:42:06 PM  
**To:** String, Marik A [StringMA@state.gov]; Taylor, Mary Elizabeth [TaylorME3@state.gov]; Faulkner, Charles S [FaulknerCS@state.gov]  
**Subject:** RE: Thursday PCC



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**UNCLASSIFIED**

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**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Wednesday, March 6, 2019 12:40 PM  
**To:** Taylor, Mary Elizabeth <TaylorME3@state.gov>; Donnelly, Colleen G <DonnellyCG@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>  
**Subject:** Thursday PCC





SBU—Deliberative Process



Message


**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/6/2019 7:14:27 PM  
**To:** Rogers, Shana A [RogersSA2@state.gov]; Kovar, Jeffrey D [KovarJD@state.gov]  
**Subject:** RE: Options



**Official**  
**UNCLASSIFIED**

---

**From:** Rogers, Shana A <RogersSA2@state.gov>  
**Sent:** Wednesday, March 6, 2019 2:06 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Subject:** RE: Options



A quick google search of additive manufacturing


revealed: Additive Manufacturing (AM) is an appropriate name to describe the technologies that build 3D objects by *adding* layer-upon-layer of material, whether the material is plastic, metal, concrete or one day....human tissue. Common to AM technologies is the use of a computer, 3D modeling software (Computer Aided Design or CAD), machine equipment and layering material. Once a CAD sketch is produced, the AM equipment reads in data from the CAD file and lays downs or adds successive layers of liquid, powder, sheet material or other, in a layer-upon-layer fashion to fabricate a 3D object.

(The Defense Distributed files are CAD files)

**Official**  
**UNCLASSIFIED**

---

**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Wednesday, March 6, 2019 1:59 PM  
**To:** Rogers, Shana A <RogersSA2@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Subject:** RE: Options



**From:** Rogers, Shana A <RogersSA2@state.gov>  
**Sent:** Wednesday, March 6, 2019 1:55 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Subject:** RE: Options

Jeff, Christine,



[REDACTED]

Shana

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Sent:** Wednesday, March 6, 2019 8:57 AM  
**To:** Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>; Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>  
**Subject:** FW: Options

fyi

---

**From:** Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>  
**Sent:** Wednesday, March 6, 2019 7:56 AM  
**To:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>; Miller, Michael F <[MillerMF@state.gov](mailto:MillerMF@state.gov)>; Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>  
**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Subject:** RE: Options

[REDACTED]

---

**From:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>  
**Sent:** Tuesday, March 05, 2019 9:09 PM  
**To:** Miller, Michael F <[MillerMF@state.gov](mailto:MillerMF@state.gov)>; Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>  
**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Subject:** RE: Options

[REDACTED]

---

**From:** Miller, Michael F <[MillerMF@state.gov](mailto:MillerMF@state.gov)>  
**Date:** March 5, 2019 at 8:55:17 PM EST  
**To:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>, Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>  
**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>, Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>, Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Subject:** RE: Options



+++++

**From:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>

**Date:** March 5, 2019 at 8:07:01 PM EST

**To:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>, Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>

**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>, Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>, Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>

**Subject:** RE: Options

Official

UNCLASSIFIED

---

**From:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>

**Sent:** Tuesday, March 5, 2019 8:06 PM

**To:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>; Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>

**Cc:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>

**Subject:** RE: Options

---

**From:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>

**Date:** March 5, 2019 at 7:46:54 PM EST

**To:** Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>

**Cc:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>, Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>, Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>, Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>

**Subject:** RE: Options



Rob, thanks, a few refinements. + Josh and Jeff. [REDACTED]

[REDACTED]

[REDACTED]

Sensitive but Unclassified—Deliberative Process

**Official - SBU**

**UNCLASSIFIED**



Message

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**From:** Monjay, Robert [MonjayR@state.gov]  
**Sent:** 3/6/2019 8:17:38 PM  
**To:** Timothy Mooney [Timothy.Mooney@bis.doc.gov]  
**Subject:** RE: Did you hear back from the OFR editors on the informal review request of the State Cat I-III rule?

Can you give me a call? 202-663-2817

**Official**  
**UNCLASSIFIED**

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**From:** Timothy Mooney <Timothy.Mooney@bis.doc.gov>  
**Sent:** Wednesday, March 6, 2019 3:01 PM  
**To:** Monjay, Robert <MonjayR@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** Did you hear back from the OFR editors on the informal review request of the State Cat I-III rule?



## Message

**From:** Jim Bartlett, Full Circle Compliance [jebartlett@fullcirclecompliance.eu]  
**Sent:** 3/6/2019 8:35:34 PM  
**To:** minarichcm@state.gov  
**Subject:** 19-0306 Wednesday "Daily Bugle"

Wednesday, 6 March 2019



The Daily Bugle is a free daily newsletter from Full Circle Compliance, containing changes to export/import regulations (ATF, DOE/NRC, Customs, NISPOM, EAR, FACR/OFAC, FAR/DFARS, FTR/AES, HTSUS, and ITAR), plus news and events. Subscribe [here](#) for free subscription. [Contact us](#) for advertising inquiries and rates.

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2. [State Maintains Kurdistan Workers' Party's FTO Designation](#)

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#### **EX/IM TRAINING EVENTS & CONFERENCES**

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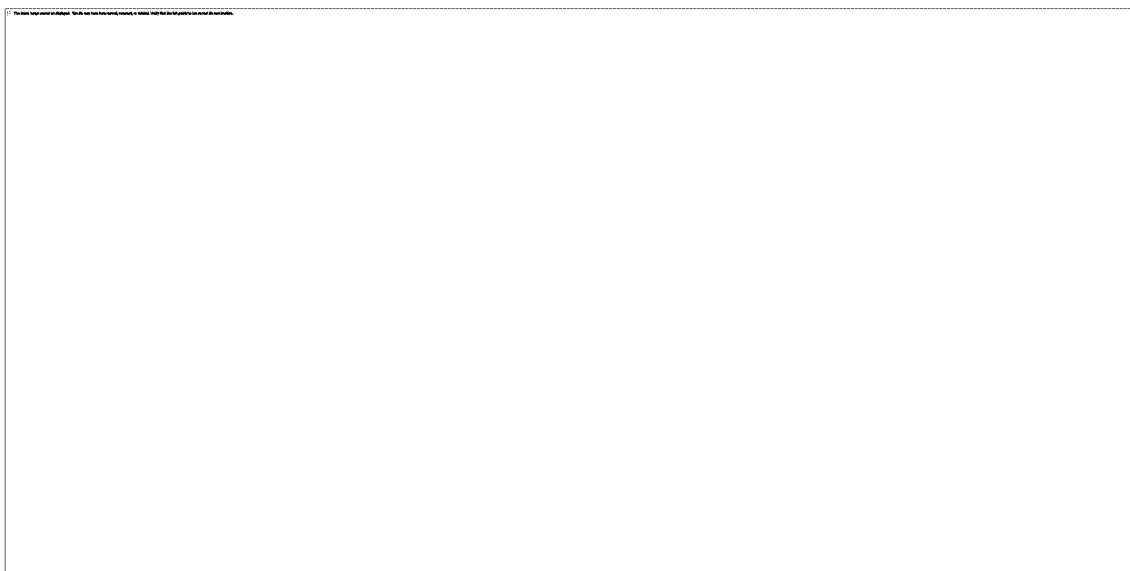
#### **EDITOR'S NOTES**

16. New Edition of Bartlett's Annotated ITAR ("BITAR") Available

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18. Are Your Copies of Regulations Up to Date? Latest Amendments:  
DHS/Customs (14 Jan 2019), DOC/EAR (20 Dec 2018), DOC/FTR (24 Apr 2018), DOD/NISPOM (18 May 2016), DOE/AFAEC (23 Feb 2015), DOE/EINEM (20 Nov 2018), DOJ/ATF (26 Dec 2018), DOS/ITAR (4 Oct 2018), DOT/FACR/OFAC (15 Nov 2018), HTSUS (27 Feb 2019)

19. Weekly Highlights of the Daily Bugle Top Stories



#### **ITEMS FROM TODAY'S FEDERAL REGISTER**



1. Commerce/BIS Seeks Comments on National Security and Critical Technology Assessments of the U.S. Industrial Base

(Source: Federal Register, 6 Mar 2019.) [Excerpts.]



84 FR 8074-8075: Proposed Information Collection; Comment Request; National Security and Critical Technology Assessments of the U.S. Industrial Base

\* AGENCY: Bureau of Industry and Security.

\* ACTION: Notice. ...

\* DATES: Written comments must be submitted on or before May 6, 2019.

\* ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at [PRAComments@doc.gov](mailto:PRAComments@doc.gov)).

\* FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, BIS ICB Liaison, (202) 482-8093, [mark.crace@bis.doc.gov](mailto:mark.crace@bis.doc.gov).

[This link](#) clarifies the policies and procedures of the Bureau of Industry and Security (BIS) for conducting surveys to obtain information in order to perform industry studies assessing the U.S. industrial base to support the national defense pursuant to the Defense Production Act of 1950, as amended.

\* SUPPLEMENTARY INFORMATION:

- Abstract: The Department of Commerce, in coordination with the Department of Defense and other Federal agencies, conducts survey assessments of U.S. industrial base sectors deemed critical to U.S. national security. The information gathered is necessary to determine the health and competitiveness as well as the needs of these critical market segments in order to maintain a strong U.S. industrial base.

- Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. ...

Sheleen Dumas, Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

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2. State Maintains Kurdistan Workers' Party's FTO Designation

(Source: [Federal Register](#), 6 Mar 2019.) [Excerpts.]

84 FR 8150: Review of the Designation as a Foreign Terrorist Organization (FTO) of the Kurdistan Workers' Party (and Other Aliases)



Based upon a review of the Administrative Record assembled pursuant to Section 219(a)(4)(C) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(C)) ("INA"), and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the basis for the designation of the aforementioned organization as a Foreign Terrorist Organization have not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation of the designation.

Therefore, I hereby determine that the designation of the aforementioned organization as a Foreign Terrorist Organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained. ...

Dated: February 5, 2019.  
Michael R. Pompeo, Secretary of State.

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## OTHER GOVERNMENT SOURCES



### 3. Items Scheduled for Publication in Future Federal Register Editions (Source: [Federal Register](#))

\* Commerce; Industry and Security Bureau; NOTICES; Agency Information Collection Activities; Proposals, Submissions, and Approvals: License Exemptions and Exclusions [Pub. Date: 7 Mar 2019.]

\* President; ADMINISTRATIVE ORDERS; Venezuela; Continuation of National Emergency (Notice of March 5, 2019) [Pub. Date: 7 Mar 2019.]

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### 4. Commerce/BIS: (No new postings.) (Source: [Commerce/BIS](#))

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### 5. State/DDTC: (No new postings.) (Source: [State/DDTC](#))

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## 6. Treasury/OFAC Announces Temporary Extension of Ukraine-related General Licenses

(Source: [Treasury/OFAC](#), 6 Mar 2019.)

Today OFAC extended the expiration date of two general licenses related to GAZ Group by issuing [General License No. 13K](#) - Authorizing Certain Transactions Necessary to Divest or Transfer Debt, Equity, or Other Holdings in Certain Blocked Persons, and [General License No. 15E](#) - Authorizing Certain Activities Necessary to Maintenance or Wind Down of Operations or Existing Contracts.

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## 7. UK DIT/ECJU Posts Guidance on Exporting Controlled Goods after EU Exit

(Source: [UK DIT/ECJU](#), 6 Mar 2019.)

Leaving the EU with a deal remains the UK government's top priority. This has not changed. However, the government is continuing with no deal preparations to ensure the country is prepared for every eventuality.

### **Controlled goods**

Controlled goods are regulated through a system of export licensing and include:

- military items
- dual-use items (items with both civil and military uses)
- firearms
- items that can be used for torture or capital punishment

The [Export Control Joint Unit \(ECJU\)](#) is responsible for the exporting control and licensing of these items.

### **Exporting military items**

There will be no changes to controls on the export of military items from the UK other than minor legislative fixes.

You will need to continue to apply for licences as you do now.

### **Exporting firearms to the EU**

You will no longer be able to take personal firearms to the EU using the European Firearms Pass because this will no longer be available in the UK.



The exemption that currently applies to the temporary export of firearms as personal effects to the rest of the world will now cover exports to the EU.

If you want to take firearms as personal effects to an EU country, you will need to make sure that the destination country would also permit the import and re-export of the firearm.

If you are a dealer or exporter of firearms, you will need to continue to apply for licences.

### **Exporting dual-use items**

The overall framework of controls for dual-use exports will not change, but there will be changes to some licensing requirements.

### **From the UK to the EU and the Channel Islands**

You will need a new export licence if you are exporting dual-use items from the UK to the EU or the Channel Islands, issued by the UK.

ECJU has published the Open General Export Licence (OGEL) for exports of dual-use items to EU countries. This licence also covers exports to the Channel Islands.

This new export licence will remove the need for you to apply for individual licences and can be used immediately after 29 March 2019, following registration on SPIRE, the online export licensing system.

### **From the UK to a non-EU country**

If you already have a licence to export dual-use items to a non-EU country issued by the UK, it will remain valid for export from the UK. This includes registrations for Open General Export Licences and General Export Authorisations, which will still operate as UK licences.

An export licence issued by one of the 27 EU countries will no longer be valid for export from the UK.

### **From the EU to a non-EU country**

You will need a new licence, issued by an EU member state, for exporting dual-use items from EU member states to a non-EU country.

An export licence issued in the UK will no longer be valid to export dual-use items from an EU member state

### **From the EU to the UK**

You will need a new licence, issued by an EU member state, for exporting dual-use items from EU member states to the UK.



The European Council has proposed to add the UK as a permitted destination to Union General Export Authorisation (GEA) EU001, to minimise any additional licensing burden for those exporting dual-use items from the EU to the UK.

### **Exporting civil nuclear material**

If you export civil nuclear material you can find out what other conditions will apply besides export controls. They include:

- [civil nuclear regulation if there's no Brexit deal](#)
- [nuclear research if there's no Brexit deal](#)

### **Exporting goods that could be used for torture or capital punishment**

Strict controls apply to the export of goods that could be used for torture or capital punishment. The overall framework of the strict controls on these goods will not change, except that exports to EU countries will be treated in the same way as exports to non-EU destinations are treated now.

This means that you will:

- be prohibited from exporting items in Annex II of [Council Regulation 2016/2134](#) to EU member states
- be prohibited from providing brokering, training or advertising services relating to items in Annex II of Regulation 2016/2134 to any person or entity in an EU member state
- need a licence to export items in Annexes III and IIIA of Regulation 2016/2134 to EU member states

### **What you can do next**

You should:

- check if you need an export licence for exports to EU countries on [OGEL and goods checker tools](#), using as a guide the licensing provisions in current legislation for a 'third country' (a non-EU country) to understand what controls would apply for exports to EU countries
- refer to guidance links on [OGEL and goods checker tools](#) to apply for a licence
- remember, it's your responsibility to comply with the export control regulations, and breaching export controls is a criminal offence
- sign up for [updates on export controls and licensing](#).

For further information you could:

- find out more about [export controls and licensing](#)
- find out how the [government administers the UK's system of export controls and licensing for military and dual-use items](#)
- read more information on [importing and exporting if the UK leaves the EU with no deal](#)

You can [contact the Department for International Trade](#) if you still have a question about exporting controlled goods after EU Exit.

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## NEWS



### 8. American Shipper: "BIS Pockmarked by Vacancies" (Source: American Shipper, 5 Mar 2019.) [Excerpts.]

Nazak Nikakhtaris, assistant secretary for industry and analysis at the Commerce Department's BIS, also will perform "nonexclusive duties" of the agency's undersecretary for industry and security post.

Nikakhtar, who was nominated by President Trump to become the assistant secretary for industry and analysis, was confirmed by the U.S. Senate on March 19, 2018.

In this role, she serves as the Commerce Department's primary liaison with U.S. industry and trade associations to help address industry concerns and support American competitiveness. She also heads the division that conducts research and analysis on manufacturing, services, travel and tourism, textiles and apparel, global trade, investment and economic trends that impact the International Trade Administration's mission. ...

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### 9. Defense One: "We'll Soon Learn Whether You Can Post 3D-Gun Plans Online" (Source: Defense One, 6 Mar 2019.)

A proposed export-rules change has snagged over the question: is publishing such designs a boon to U.S. business or foreign terrorists?

It's approaching high noon for a showdown between the Trump administration and Congress over 3D-printed guns.

The Trump administration notified Congress last month that it intended to move jurisdiction for most commercial firearms exports from the State Department to the Commerce Department, a seemingly arcane bureaucratic move that has ignited a firestorm of controversy. Critics say Commerce's laxer export rules will allow criminals, terrorists, and human rights abusers access to a host of new weapons - including metal-free "ghost guns" manufactured on 3D printers.



Congress had 30 days to object to the rules change. Sen. Bob Menendez, D-N.J., on Feb. 26 issued a hold on the proposal, in part, he argued in associated legislation with other Senate Democrats, because it would allow for the "unfettered proliferation of untraceable, virtually undetectable, 3D printable guns that threaten public safety."

On Tuesday, that 30 days ran out. It's not clear whether the Trump administration will honor Menendez's objection, or move to implement the change anyway. The executive branch is not legally required to comply with the hold, although past administrations have traditionally heeded such congressional strictures. The top Republican on the Senate Foreign Relations Committee, Sen. Jim Risch, R-Idaho, has said that he opposes any "further delays in the process."

But administration officials have been marshalling their arguments. Last year, the Commerce Department said it was a "myth" that the transfer would deregulate the export of firearms, saying in a fact sheet that "the U.S. Government is not considering removing the export authorization requirements for any firearms regardless of which agency has licensing jurisdiction or the proposed destination." It also claims that "as a result [of the change], foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies" because "export licensing requirements and process implemented by the Department of Commerce will be calibrated both to the sensitivity of the item and the proposed destination."

A bizarre legal drama has made 3D guns one key sticking point in what otherwise might have been an under-the-radar change originally conceived under the Obama administration. (The broader plan to reform export controls was shelved after the 2012 shooting in Newtown, Conn. killed 26 people, mainly children.)

In 2013, Cody Wilson, a law student and gun activist, posted the blueprints online to assemble a plastic gun from parts made on a 3D printer. The Directorate of Defense Trade Controls, the State Department office that controls firearms exports, took the position that publicly posting that information was the legal equivalent of emailing it to a foreign government - an "export." Wilson's company, Defense Distributed, took down the plans but sued the State Department.

Last summer brought a surprise twist: the State Department settled the case for around \$40,000 and allowed the plans back online. Hours before they were to be available again, a federal judge granted a request from eight states and the District of Columbia to temporarily block the settlement from taking effect. The State Department gave no rationale for its abrupt reversal, but the Trump administration was pursuing the rule change to shift the authority for the technology to the Commerce Department at the time.

Onlookers believe that moving the authority for online plans for 3D guns to the Commerce Department would effectively moot the judge's restraining order. And the Commerce Department has signaled that it doesn't intend to place any licensing restrictions on the kinds of plans Wilson sought to post



online, of the kind that State originally sought to enforce. In its May Federal Registrar notice announcing the proposed change, it said that "if a gun manufacturer posts a firearm's operation and maintenance manual on the Internet, making it publicly available to anyone interested in accessing it and without restrictions on further dissemination, the operation and maintenance information included in that published operation and maintenance manual would no longer be "subject to the [Export Administration Regulations]."

A handful of Democrats have sought to use any tool at their disposal to stymie the move. In addition to the Menendez hold, Sen. Ed Markey, D-Mass., has blocked indefinitely the nomination of Clarke Cooper to run the office in the State Department that oversees the Directorate of Defense Trade Controls. Cooper himself appears uncontroversial, and because of the ongoing interagency process, the State Department can't unilaterally give Markey what he wants to release the hold - specifically that the administration maintain its prohibition on publishing the 3D gun blueprints online - leaving a senior post with a myriad of international responsibilities vacant with no clear resolution in sight.

Blocking the rule change permanently would require an act of Congress. Democratic lawmakers are weighing a number of pieces of legislation to address the matter - including blocking the authority transfer in statute and expressly banning posting 3D plans online - but their fate in a Republican-controlled Senate is murky. The change is supported by the firearms industry, traditionally backed by congressional Republicans favorable to more permissive gun laws. Manufacturers believe it will ease regulations and help them boost sales of small arms overseas.

Supporters argue the change keeps control of military-grade weapons at the State Department while moving widely available commercial weapons, like semi-automatic pistols, assault-style rifles, sniper rifles and ammunition, to a more natural home at the Commerce Department. The Defense Department and the State Department "will remain active" in vetting and approving exports, the Commerce Department said in its fact sheet, claiming that "foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies."

"This is good for: U.S. manufacturing, the defense industrial base, security of supply to the U.S. military, and interoperability with allies, to name but a few benefits."

Some legal experts and arms control advocates argue that trying to regulate plastic guns as an export was never the ideal way to keep them out of the hands of criminals and terrorists at home. While the court blocked Wilson from posting his plans on the internet for free, it expressly permitted him to email or otherwise securely transmit them as long as he verifies that the recipient is within the U.S.

"There are genuine issues raised by plastic guns, but they need to be addressed directly, not through export laws designed to keep U.S. guns out



of foreigners' hands without State Department approval," wrote Clif Burns, an attorney who specializes in export controls.

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## 10. ST&R Trade Report: "GSP Eligibility for India, Turkey to be Terminated"

(Source: [Sandler, Travis & Rosenberg Trade Report](#), 6 Mar 2019.)

President Trump announced March 4 his intent to terminate the eligibility of India and Turkey as beneficiary developing countries under the Generalized System of Preferences. These changes will not take effect until at least May 3 and will be enacted by a presidential proclamation. Once that proclamation takes effect, thousands of products imported from these two countries will no longer be eligible for duty-free treatment under GSP.

The president said India is being terminated from GSP because it has not assured the U.S. that it will provide equitable and reasonable access to its markets. A note from the Office of the U.S. Trade Representative explains that India has implemented a wide array of trade barriers that "create serious negative effects on U.S. commerce." These include tougher rules on e-commerce marketplaces, efforts to force foreign companies to store data in India, and higher import tariffs on electronic products in apparent violation of India's commitments under the World Trade Organization's Information Technology Agreement. However, Trump said he will continue to assess this factor, suggesting that India's eligibility could be reinstated if sufficient progress is met.

Turkey is being terminated based on its level of economic development, the president said, pointing to Turkey's increases in gross national product per capita, declining poverty rates, and export diversification since being named a GSP beneficiary in 1975. Given this reason, there appears to be little possibility of a reinstatement.

According to press sources, U.S. imports under GSP in 2017 totaled \$5.7 billion from India, making it the largest user of the program, and \$1.7 billion from Turkey.

USTR announced in October 2017 that GSP beneficiaries would be subject to heightened scrutiny to help "ensure that countries that are not playing by the rules do not receive U.S. trade preferences." USTR said it would review each beneficiary's compliance with the 15 GSP eligibility criteria every three years and that if a review raises compliance concerns for a particular country the U.S. may launch a full country practice review.

The first assessment period focused on BDCs in Asia, and in October 2017 USTR received petitions requesting the removal or suspension of GSP benefits for India based on (a) lack of equitable and reasonable market access for medical devices and (b) unreasonable barriers to imports of U.S.



dairy products. In August 2018 USTR launched a review of Turkey based on its imposition of additional tariffs on \$1.78 billion worth of U.S. imports in response to the United States' Section 232 additional tariffs on imports of steel and aluminum products.

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## COMMENTARY



### 11. The Export Compliance Journal: "Cement Company Fined \$500,000 For Violating U.S. Sanctions on Iran" (Source: [The Export Compliance Journal](#), 5 Mar 2019.)

The United States Treasury Department's Office of Foreign Assets Control (OFAC) [announced on February 21, 2019](#) that ZAG IP LLC, a U.S.-based multinational producer of cement, must pay \$506,250 in fines to settle potential civil liabilities associated with violations of U.S. sanctions on Iranian entities, and goods and services originating in Iran.

[The sanctions in question](#) prohibit trade-related transactions with Iran for goods, technology, or services. Between July 2014 and January 2015, it is alleged that ZAG purchased over 250,000 metric tons of cement clinker (a type of cement used in construction) worth \$14.5M USD, while having full knowledge that it was Iranian in origin. The goods were then resold and transported to a company in Tanzania.

### **But It Could Have Been Worse**

While ZAG was aware of the U.S. sanctions on Iran, they relied on an Alternative Supplier based in the United Arab Emirates who misrepresented that ["cement clinker was not subject to U.S. economic sanctions on Iran."](#) As a result (and under immense pressure to fulfil the order or lose the contract altogether), ZAG eventually purchased the Iranian-sourced material. All told, the potential monetary penalties could have run as high as \$29,000,000 USD, however, OFAC determined the violations in question constituted a non-egregious case. Among the extenuating factors OFAC considered when making its assessment of the situation were:

- ZAG's self-disclosure of the violations,
- Cooperating with the investigation by providing relevant information when requested,
- Conducting a thorough internal investigation to identify the cause of the compliance failures, and
- Implementing multiple remedial measures to help prevent a recurrence.



## What to Take Away from This Case

Like many cases involving an OFAC violation, ZAG's sanctions contraventions highlight the importance of doing your due-diligence, and having strong compliance procedures and mechanisms in place. This is especially the case for companies that trade and transact internationally.

It also demonstrates that companies should not ignore common sense warning signs. For instance, knowing that the cement was of Iranian origin should have caused ZAG to look into the transaction further rather than trusting the word of a third party-in this case their UAE-based Alternative Supplier.

Finally, this case demonstrates the importance of self-disclosure and cooperating with OFAC. The fact that ZAG voluntarily disclosed the violation themselves and cooperated with OFAC's investigation are directly cited as mitigating factors in OFAC's final judgement of the situation.

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## 12. G. Farnsworth: "Who's Liable for What? Transport Contracts Under the Microscope" (Source: [Holding Redlich](#), 5 Mar 2019.)

\* Author: Geoff Farnsworth, Esq., [geoff.farnsworth@holdingredlich.com](mailto:geoff.farnsworth@holdingredlich.com). Of Holding Redlich, Sydney.

It is a truth universally acknowledged that transport operators will have no liability for any loss or damage to the goods they carry (unless they are ocean carriers in which case different rules may apply much to the chagrin of the said ocean carriers).

This Golden Rule is not contained in any statute, though it is worth making the point that under the Australian Consumer Law as it applies to small business, it is likely that non-negotiable exclusion clauses in standard form contracts may be considered to be unfair and therefore unenforceable.

The exemptions from liability are to be found in transport contracts themselves, often in what is known as the fine print. The clause will usually say (in effect) that the carrier is not liable for anything, ever. It may go on to say that if the carrier is sued by anyone claiming loss or damage (a third party negligence claim, for example) the contracting party will indemnify the carrier.

The exclusion clause often begins with the mysterious incantation: "The Carrier is not a Common Carrier and will have no liability as such." Despite the fact that the incantation is repeated (figuratively) every time a transport contract is entered into, it is doubtful that either party knows what it means.



To understand the status and meaning of Common Carrier, one must go back in time, around 200 years, to the days of horse and carriage, and before the railroads.

At that time carriers, usually illiterate, operated on usual routes. Let's say London to Bristol, and return. In those days, if you wanted your chest to go to Bristol, you would approach a Common Carrier who worked that route, and ask him (it would almost invariably have been a man) to take your chest to Bristol. You would probably agree on a price, and that was basically that.

Because there was no written contract the common law described the obligations of the Common Carrier (the word *common* in this context referring to the fact that the carrier carried goods for many different people, rather than his social class).

Despite the fact that written contract terms will generally prevail over any common law duties as a Common Carrier, the phrase continues to be used.

A large part of the significance of the law of Common Carrier related to his or her liability for loss of or damage to the goods carried. Despite its antiquity, it was considered in a recent decision of the UK Supreme Court (formerly known as the House of Lords, the UK's highest court), in the case of *Volcafe v Compania Sud Americana De Vapores SA* [2018] UKSC 61. That case concerned carriage of goods by sea, so the facts are not relevant here. However Lord Sumption traversed liability regimes for bailees of goods, which includes the common carrier.

He said:

The characteristic feature of a common carrier was that he held himself out as accepting for carriage the goods of all comers on a given route, subject to capacity limits. As such, he was strictly liable at common law for loss of or damage to the cargo subject only to exceptions for acts of God and the Queen's enemies. The absence of negligence was irrelevant. But although the position of common carriers is commonly referred to by way of background in the case law, as it was in the judgments below, it is no longer a useful paradigm for the common law liability of a shipowner. Common carriers have for many years been an almost extinct category. For all practical legal purposes, the common law liability of a carrier, unless modified by contract, is the same as that of bailees for reward generally.

The UK Supreme Court has helpfully restated that:

- a common carrier is strictly liable for loss and damage (unless caused by an Act of God or Queen's Enemies)
- a bailee for reward is not an insurer and his or her obligation extends only to taking reasonable care of the goods (though he or she must also prove the absence of negligence)
- in any event, the terms of written contracts of carriage will modify and prevail over these common law relationships.



### **Some Common Issues**

While claims under transport contracts might be relatively straightforward (ie the carrier has no liability, for anything, ever), this might be a little more complicated when a third party is involved.

A common example is where third party asks a Freight Forwarder to arrange for the delivery of goods from the wharf or warehouse to the third party's premises. The Forwarder will often contract with a Carrier (a transport company or courier). If the goods are damaged while in the care of the Carrier, the third party may make a claim in bailment (as per the second point above) on the basis that the third party is not bound by the terms of the contract between the Forwarder and the Carrier. This can give rise to complicated legal issues relating to Himalaya Clauses and Sub-Bailment on Terms, but also (as mentioned above) the terms of the contract may require the Forwarder to indemnify the Carrier in relation to any claims.

The other complicating factor can be insurance. Transit insurance is common but there may be issues around who's policy applies (someone has to pay for the policy, plus wear any deductible that might apply to any claim).

It is also common for Carriers to give an assurance that they have insurance. While this is almost always true, it is potentially misleading and will depend on what form of insurance the Carrier has. While the Carrier may indeed have liability insurance (for example), if the Carrier's terms and conditions exclude liability, the insurer has no obligation to pay because the Carrier has no liability.

And if the Carrier has transit insurance, there may be an issue as to whether the Carrier has an insurable interest in the goods.

### **Conclusion**

Transport contracts are all about clearly defining the parties' obligations and liabilities, who does what, and who is liable for what. Once that is clear the parties can manage the relationship appropriately, through pricing and/or insurance.

While it is tempting to leave "barnacle" clauses in contracts (such as reference to Common Carrier) because they've always been there, they have the potential to confuse relationships and potentially lead to avoidable disputes.

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13. J. Abramson: "U.S. Firearms Export Changes Meet Challenges"

(Source: [Arms Control Association](#), Mar 2019.)



\* Author: Jeff Abramson, Esq., Senior Fellow for arms control and conventional arms transfers at the Arms Control Association.

The Trump administration proposed changes in February to how the United States approves exports of certain firearms, a move that triggered quick responses from some congressional leaders who argued that the approach would be dangerous and reduce oversight. They warned that semiautomatic and military-style weapons, as well as 3D-printed "ghost" guns, would more easily end up in the hands of criminals, terrorists, and human rights abusers if the rules were to take effect.

Under the proposed rules, semiautomatic and nonautomatic firearms and their ammunition are deemed to "no longer warrant control under the United States Munitions List (USML)," a State Department-administered list of weapons. Instead, they would be transferred to a list administered by the Commerce Department, the Commerce Control List, an indication of the administration's view that these are "essentially commercial items widely available in retail outlets and less sensitive military items."

Sen. Bob Menendez (D-N.J.) sponsored legislation Feb. 12 that rejected the rationale for the change and would prohibit the transfer to Commerce Department oversight. The proposed new rules would "defy common sense," Menendez said in a statement. He added, "Small arms and associated ammunition are uniquely lethal. They are easily spread and easily modified and are the primary means of injury, death, and destruction in civil and military conflicts throughout the world."

The Senate measure also focused on the danger of 3D gun printing, with Menendez saying, "Every terrorist and criminal that wants to hijack an airplane with Americans onboard will more easily be able to smuggle 3D-printed, virtually undetectable guns aboard." Because online plans for 3D-printed guns currently controlled by the USML are deemed an export, a move to the Commerce Department would likely deregulate their control. The Commerce Department is not expected to impose licensing restrictions on what 3D print advocates are trying to make open-source information. An administration decision last year to allow the organization Defense Distributed to publish 3D plans online met an outcry and has been delayed in ongoing court cases.

On Feb. 26, Menendez sent a letter to U.S. Secretary of State Mike Pompeo placing a hold on the proposed rules change, but whether the administration will honor the hold remains to be seen. It could choose to publish the final rules this month, when the 30-day clock for congressional review that began Feb. 4 expires. Such changes typically then have a six-month implementation phase-in period.

House Foreign Affairs Committee Chairman Eliot Engel (D-N.Y.) co-sponsored a measure with Rep. Norma Torres (D-Calif.) on Feb. 9 that would also block the change. In his statement about the rules, Engel warned that Congress would lose its oversight role, which is needed "so we can step



in and make sure these weapons aren't sent to bad actors, including terrorists, drug cartels, human rights abusers or violent criminals."

In 2002, Congress amended notification requirements so it would be informed of potential commercial sales of firearms under USML Category I when they were valued at just \$1 million, but no such notifications exist for items on the Commerce Control List.

Data compiled by the Security Assistance Monitor indicates that the Trump administration requested Congress to approve at least \$746 million in firearms sales to a total of 14 countries in 2018, more than two-thirds of which was for Saudi Arabia. The value of transfers that would be subject to the new rule is not clear as that data cannot be disaggregated from the automatic and other firearms that would remain on the USML.

The rules were considered during the Obama administration as part of a broader export control effort that transferred portions of the larger USML to Commerce Department control. Changes to firearms and ammunition in the first three USML categories were never formerly introduced, in part due to a different sensibility related to gun violence.

The Trump administration first introduced the rules for public comment in May 2018, garnering thousands of public responses. (See ACT, June 2018.)

These military-style weapons, although more tightly controlled in many other countries, have been sold domestically and used in many mass shootings, including at Sandy Hook Elementary School in Newtown, Conn.; the Pulse nightclub in Orlando, Fla., and Stoneman Douglas High School in Parkland, Fla. Human rights and gun control groups have backed the legislative efforts to stop the change. Kris Brown, president of the Brady Campaign, stated on Feb. 8, "While the corporate gun lobby is no doubt thrilled to be able to take their products to a wider audience, we need to be taking steps to reduce gun violence at home, rather than exporting it."

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14. J. Morey: "Third Wave of Section 301 Tariff Increases Officially Delayed"  
(Source: Trade and Manufacturing Monitor, 5 Mar 2019.)

\* Author: Joshua Morey, Esq., Kelley Drye, [jmorey@kelleydrye.com](mailto:jmorey@kelleydrye.com)

On March 5, 2019, the Office of the United States Trade Representative ("USTR") published a notice in the Federal Register officially postponing the date on which the rate of Section 301 duties on \$200 billion of Chinese goods (i.e., List 3 items) will increase from 10% to 25%.



USTR's notice follows President Trump's announcement of his decision to delay the March 2, 2019 deadline for increasing tariffs on List 3 items due to "substantial progress" in his administration's talks with China, as well as Ambassador Lighthizer's testimony before the House Ways and Means Committee concerning the same issue.

The 10% percent duties, which took effect on September 24, 2018, were initially set to increase to 25% on January 1, 2019, but that deadline was delayed to March 2, 2019 pursuant to a December 19, 2018 Federal Register notice. USTR's March 5, 2019 notice does not establish a new deadline for an increase in duties, but instead leaves the possibility of an increase open.

As Ambassador Lighthizer indicated in his testimony to the House Ways and Means Committee, there has been no agreement to remove the current 10% tariff on List 3 items, though the removal of such tariffs is a negotiating objective of the Government of China. We will continue to monitor further developments regarding the Trump Administration's Section 301 tariffs and trade negotiations with China.

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## EX/IM TRAINING EVENTS & CONFERENCES



15. ECTI Presents "CFIUS Update: New Requirements to Meet, New Industries Affected" Webinar on 16 Apr  
(Source: Danielle Hatch, [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com))

- \* What: CFIUS Update: New Requirements to Meet, New Industries Affected
- \* When: April 16, 2019 1:00 p.m. (EDT)
- \* Where: Webinar
- \* Sponsor: Export Compliance Training Institute (ECTI)
- \* ECTI Speaker: Thaddeus McBride
- \* Register: [Here](#) or Danielle Hatch, 540-433-3977, [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com).

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## EDITOR'S NOTES





## 16. New Edition of *Bartlett's Annotated ITAR* ("BITAR") Available (Source: Editor)

A revised edition of the BITAR was published yesterday, 5 March. Although there have been no amendments to the official ITAR text since October 4, 2018, the 5 March 2019 BITAR edition contains the following changes:

\* Added footnotes to the sections:

- 120.11(a)(7), re *Stagg v. State Dep't*.
- 120.25(a), re DDTC Consent Agreement, *Matter of R.E. Darling Industries, Inc.* (Feb 26, 2019)
- 124.2(c)(5)(v), indicating the error in (v), which "Gas turbine engine hot sections covered by Category XIX(f)." All gas turbine engine hot section components are controlled in XIX(f)(2).
- 129.9 re DDTC, Advisory Opinions notice.

\* Added "(b) [Reserved]" to § 129.4.

\* Added DDTC Consent Agreement, *Matter of R.E. Darling Industries, Inc.* (Feb 26, 2019) to Appendix E.

\* Added *Stagg v. State Dep't* case to list of cases in Index.

The BITAR is a 361-page Word document containing all ITAR amendments to date, plus a large Index, over 800 footnotes containing amendment histories, case annotations, practice tips, DDTC guidance, and explanations of errors in the official ITAR text. Subscribers receive updated copies of the BITAR in Word by download, usually revised within 24 hours after every ITAR amendment. The BITAR is available by annual subscription from the Full Circle Compliance [website](#). If you are already subscribed to the BITAR you can download the latest version via your own account on [our website](#).

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## 17. Bartlett's Unfamiliar Quotations (Source: Editor)

\* **Stanislaw Jerzy Lec** (6 Mar 1909 - 7 May 1966; born Baron Stanis Jerzy de Tusch-Letz, was a Polish aphorist and poet. Often mentioned among the greatest writers of post-war Poland, he was one of the most influential aphorists of the 20th century, known for lyrical poetry and skeptical philosophical-moral aphorisms, often with a political subtext.)

- "*Youth is the gift of nature, but age is a work of art.*"

\* **Michelangelo** (Michelangelo di Lodovico Buonarroti Simoni; 6 Mar 1475 - 18 Feb 1564; was an Italian sculptor, painter, architect, and poet of the High Renaissance, who exerted an unparalleled influence on the development of Western art. Considered by many the greatest artist of his lifetime, and by some the greatest artist of all time, his artistic versatility



was of such a high order that he is often considered a contender for the title of the archetypal Renaissance man, along with his rival, the fellow Florentine and client of the Medici, Leonardo da Vinci.)

- *"The greater danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low, and achieving our mark."*

- *"There is no greater harm than that of time wasted."*

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## 18. Are Your Copies of Regulations Up to Date?

(Source: Editor)

\* DHS CUSTOMS REGULATIONS: 19 CFR, Ch. 1, Pts. 0-199. Implemented by Dep't of Homeland Security, U.S. Customs & Border Protection.

- Last Amendment: 14 Jan 2019: 84 FR 112-116: Extension of Import Restrictions Imposed on Certain Archaeological and Ecclesiastical Ethnological Material from Bulgaria; and 84 FR 107-112: Extension of Import Restrictions Imposed on Certain Archaeological Material From China

\* DOC EXPORT ADMINISTRATION REGULATIONS (EAR): 15 CFR Subtit. B, Ch. VII, Pts. 730-774. Implemented by Dep't of Commerce, Bureau of Industry & Security.

- Last Amendment: 20 Dec 2018: 83 FR 65292-65294: Control of Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML); Correction [Concerning ECCN 7A005 and ECCN 7A105.]

\* DOC FOREIGN TRADE REGULATIONS (FTR): 15 CFR Part 30. Implemented by Dep't of Commerce, U.S. Census Bureau.

- Last Amendment: 24 Apr 2018: 83 FR 17749-17751: Foreign Trade Regulations (FTR): Clarification on the Collection and Confidentiality of Kimberley Process Certificates

- HTS codes that are not valid for AES are available [here](#).

- The latest edition (1 Jan 2019) of *Bartlett's Annotated FTR* ("BAFTR"), by James E. Bartlett III, is available for downloading in Word format. The BAFTR contains all FTR amendments, FTR Letters and Notices, a large Index, and approximately 250 footnotes containing case annotations, practice tips, Census/AES guidance, and explanations of the numerous errors contained in the official text. Subscribers receive revised copies in Microsoft Word every time the FTR is amended. The BAFTR is available by annual subscription from the Full Circle Compliance [website](#). BITAR subscribers are entitled to a 25% discount on subscriptions to the BAFTR. Government employees (including military) and employees of universities are eligible for a 50% discount on both publications at [www.FullCircleCompliance.eu](http://www.FullCircleCompliance.eu).

\* DOD NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPO): DoD 5220.22-M. Implemented by Dep't of Defense.

- Last Amendment: 18 May 2016: Change 2: Implement an insider threat program; reporting requirements for Cleared Defense Contractors;



alignment with Federal standards for classified information systems; incorporated and cancelled Supp. 1 to the NISPOM (Summary [here](#).)

\* DOE ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES: 10 CFR Part 810; Implemented by Dep't of Energy, National Nuclear Security Administration, under Atomic Energy Act of 1954.

- Last Amendment: 23 Feb 2015: 80 FR 9359, comprehensive updating of regulations, updates the activities and technologies subject to specific authorization and DOE reporting requirements. This rule also identifies destinations with respect to which most assistance would be generally authorized and destinations that would require a specific authorization by the Secretary of Energy.

\* DOE EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; 10 CFR Part 110; Implemented by Dep't of Energy, U.S. Nuclear Regulatory Commission, under Atomic Energy Act of 1954.

- Last Amendment: 20 Nov 2018, 10 CFR 110.6, Re-transfers.

\* DOJ ATF ARMS IMPORT REGULATIONS: 27 CFR Part 447-Importation of Arms, Ammunition, and Implements of War. Implemented by Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives.

- Last Amendment: 15 Jan 2016: 81 FR 2657-2723: Machineguns, Destructive Devices and Certain Other Firearms; Background Checks for Responsible Persons of a Trust or Legal Entity With Respect To Making or Transferring a Firearm.

\* DOS INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR): 22 C.F.R. Ch. I, Subch. M, Pts. 120-130. Implemented by Dep't of State, Directorate of Defense Trade Controls.

- Last Amendment: 4 Oct 2018: 83 FR 50003-50007: Regulatory Reform Revisions to the International Traffic in Arms Regulations.

The only available fully updated copy (latest edition: 5 March 2019) of the ITAR with all amendments is contained in *Bartlett's Annotated ITAR* ("BITAR"), by James E. Bartlett III. The BITAR is a 361-page Word document containing all ITAR amendments to date, plus a large Index, over 800 footnotes containing amendment histories, case annotations, practice tips, DDTC guidance, and explanations of errors in the official ITAR text. Subscribers receive updated copies of the BITAR in Word by download, usually revised within 24 hours after every ITAR amendment. The BITAR is available by annual subscription from the Full Circle Compliance [website](#). BAFTR subscribers receive a \$25 discount on subscriptions to the BITAR, please [contact us](#) to receive your discount code.

\* DOT FOREIGN ASSETS CONTROL REGULATIONS (OFAC FACR): 31 CFR, Parts 500-599, Embargoes, Sanctions, Executive Orders. Implemented by Dep't of Treasury, Office of Foreign Assets Control.

- Last Amendment: 15 Nov 2018: 83 FR 57308-57318: Democratic Republic of the Congo Sanctions Regulations

\* USITC HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS, HTSA or HTSUSA), 1 Jan 2019: 19 USC 1202 Annex. Implemented by U.S.



International Trade Commission. ("HTS" and "HTSA" are often seen as abbreviations for the Harmonized Tariff Schedule of the United States Annotated, shortened versions of "HTSUSA".)

- Last Amendment: 27 Feb 2019: [Harmonized System Update 1902](#) [contains 40 ABI records and 11 harmonized tariff records.]
- HTS codes for AES are available [here](#).
- HTS codes that are not valid for AES are available [here](#).

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## 19. Weekly Highlights of the Daily Bugle Top Stories

(Source: Editor)

Review last week's top Ex/Im stories in "Weekly Highlights of the Daily Bugle Top Stories" published [here](#).

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### EDITORIAL POLICY

\* The Ex/Im Daily Update is a publication of FCC Advisory B.V., compiled by: Editor, James E. Bartlett III; Assistant Editors, Alexander P. Bosch and Vincent J.A. Goossen; and Events & Jobs Editor, Alex Witt. The Ex/Im Daily Update is emailed every business day to approximately 6,500 readers of changes to defense and high-tech trade laws and regulations. We check the following sources daily: Federal Register, Congressional Record, Commerce/AES, Commerce/BIS, DHS/CBP, DOE/NRC, DOJ/ATF, DoD/DSS, DoD/DTSA, FAR/DFARS, State/DDTC, Treasury/OFAC, White House, and similar websites of Australia, Canada, U.K., and other countries and international organizations. Due to space limitations, we do not post Arms Sales notifications, Denied Party listings, or Customs AD/CVD items.

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## Message

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**Sent:** 3/7/2019 1:55:42 PM  
**To:** PM-DTCP-Tasking-DL [PM-DTCP-Tasking-DL@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**Subject:** CPA Media Monitoring: Defense One: We'll Soon Learn Whether You Can Post 3D-Gun Plans Online



## **We'll Soon Learn Whether You Can Post 3D-Gun Plans Online**

**By Katie Bo Williams**

**5 March 2019**

It's approaching high noon for a showdown between the Trump administration and Congress over 3D-printed guns.

The Trump administration notified Congress last month that it intended to move jurisdiction for most commercial firearms exports from the State Department to the Commerce Department, a seemingly arcane bureaucratic move that has ignited a firestorm of controversy. Critics say Commerce's laxer export rules will allow criminals, terrorists, and human rights abusers access to a host of new weapons — including metal-free “ghost guns” manufactured on 3D printers.

Congress had 30 days to object to the rules change. Sen. Bob Menendez, D-N.J., on Feb. 26 issued a hold on the proposal, in part, he argued in associated legislation with other Senate Democrats, because it would allow for the “unfettered proliferation of untraceable, virtually undetectable, 3D printable guns that threaten public safety.”

On Tuesday, that 30 days ran out. It's not clear whether the Trump administration will honor Menendez's objection, or move to implement the change anyway. The executive branch is not legally required to comply with the hold, although past administrations have traditionally heeded such congressional strictures. The top Republican on the Senate Foreign Relations Committee, Sen. Jim Risch, R-Idaho, has said that he opposes any “further delays in the process.”

But administration officials have been marshalling their arguments. Last year, the Commerce Department said it was a “myth” that the transfer would deregulate the export of firearms, saying in a fact sheet that “the U.S. Government is not considering removing the export authorization requirements for any firearms regardless of which agency has licensing jurisdiction or the proposed destination.” It also claims that “as a result [of the change], foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies” because “export licensing requirements and process implemented by the Department of Commerce will be calibrated both to the sensitivity of the item and the proposed destination.”

A bizarre legal drama has made 3D guns one key sticking point in what otherwise might have been an under-the-radar change originally conceived under the Obama administration. (The broader plan to reform export controls was shelved after the 2012 shooting in Newtown, Conn. killed 26 people, mainly children.)

In 2013, Cody Wilson, a law student and gun activist, posted the blueprints online to assemble a plastic gun from parts made on a 3D printer. The Directorate of Defense Trade Controls, the State Department office that controls firearms exports, took the position that publicly posting that information was the legal equivalent of emailing it to a foreign government — an “export.” Wilson's company, Defense Distributed, took down the plans but sued the State Department.



Last summer brought a surprise twist: the State Department settled the case for around \$40,000 and allowed the plans black online. Hours before they were to be available again, a federal judge granted a request from eight states and the District of Columbia to temporarily block the settlement from taking effect. The State Department gave no rationale for its abrupt reversal, but the Trump administration was pursuing the rule change to shift the authority for the technology to the Commerce Department at the time.

Onlookers believe that moving the authority for online plans for 3D guns to the Commerce Department would effectively moot the judge's restraining order. And the Commerce Department has signaled that it doesn't intend to place any licensing restrictions on the kinds of plans Wilson sought to post online, of the kind that State originally sought to enforce. In its May Federal Registrar notice announcing the proposed change, it said that "if a gun manufacturer posts a firearm's operation and maintenance manual on the Internet, making it publicly available to anyone interested in accessing it and without restrictions on further dissemination, the operation and maintenance information included in that published operation and maintenance manual would no longer be "subject to the [Export Administration Regulations]."

A handful of Democrats have sought to use any tool at their disposal to stymie the move. In addition to the Menendez hold, Sen. Ed Markey, D-Mass., has blocked indefinitely the nomination of Clarke Cooper to run the office in the State Department that oversees the Directorate of Defense Trade Controls. Cooper himself appears uncontroversial, and because of the ongoing interagency process, the State Department can't unilaterally give Markey what he wants to release the hold — specifically that the administration maintain its prohibition on publishing the 3D gun blueprints online — leaving a senior post with a myriad of international responsibilities vacant with no clear resolution in sight.

Blocking the rule change permanently would require an act of Congress. Democratic lawmakers are weighing a number of pieces of legislation to address the matter — including blocking the authority transfer in statute and expressly banning posting 3D plans online — but their fate in a Republican-controlled Senate is murky. The change is supported by the firearms industry, traditionally backed by congressional Republicans favorable to more permissive gun laws. Manufacturers believe it will ease regulations and help them boost sales of small arms overseas.

Supporters argue the change keeps control of military-grade weapons at the State Department while moving widely available commercial weapons, like semi-automatic pistols, assault-style rifles, sniper rifles and ammunition, to a more natural home at the Commerce Department. The Defense Department and the State Department "will remain active" in vetting and approving exports, the Commerce Department said in its fact sheet, claiming that "foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies."

"This is good for: U.S. manufacturing, the defense industrial base, security of supply to the U.S. military, and interoperability with allies, to name but a few benefits."

Some legal experts and arms control advocates argue that trying to regulate plastic guns as an export was never the ideal way to keep them out of the hands of criminals and terrorists at home. While the court blocked Wilson from posting his plans on the internet for free, it expressly permitted him to email or otherwise securely transmit them as long as he verifies that the recipient is within the U.S.

"There are genuine issues raised by plastic guns, but they need to be addressed directly, not through export laws designed to keep U.S. guns out of foreigners' hands without State Department approval," wrote Clif Burns, an attorney who specializes in export controls.

Link: <https://www.defenseone.com/politics/2019/03/well-soon-learn-whether-you-can-post-3d-gun-plans-online/155326/?oref=d-channelriver>



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**Sent:** 3/7/2019 4:44:36 PM  
**To:** Morrell, Timothy S [MorrellTS@state.gov]  
**Attachments:** 02-22-19 Menendez Letter on Hold on CAT I-III Transfer.pdf

The Hon. Christopher A. Ford  
Assistant Secretary of State  
International Security and Nonproliferation  
Tel. (202) 647-9612



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## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

February 22, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Secretary Pompeo:

On February 4, 2019, I received a congressional notification from the Department for a proposal to transfer responsibility for the export control of firearms and ammunition from the United States Munitions list (USML) to the Commerce Control List (CCL). I write to inform you that I am placing a hold on the congressional notification, pursuant to the authority of Section 38(f) of the Arms Export Control Act (AECA).

I am deeply concerned about this proposed transfer. As you no doubt are aware, firearms and ammunition – especially those derived from military models and widely used by military and security services – are uniquely dangerous. They are easily modified, diverted, and proliferated, and are the primary means of injury, death, and destruction in civil and military conflicts throughout the world. As such, they should be subject to more, not less, rigorous export controls and oversight.

Combat rifles, including those commonly known as “sniper rifles,” should not be removed from the USML, nor should rifles of any type that are U.S. military-standard 5.56 (and especially .50 caliber). Semi-automatic firearms should also not be removed, and neither should related equipment, ammunition, or associated manufacturing equipment, technology, or technical data.

Consequently, my hold will remain in place until such time as the issues identified below are sufficiently addressed.

### 1) Removal of Firearms Exports from Congressional Information and Review

The AECA enables congressional review of exports of lethal weapons to ensure that they comport with U.S. foreign policy interests. Congress took action in 2002 to ensure that the sale and export of these weapons would receive stringent oversight, including by amending the AECA to set a lower reporting threshold (from \$14 million to \$1 million) specifically for firearms on the USML. Moving such firearms from the USML to the CCL would directly



contradict congressional intent and effectively eliminate congressional oversight and potential disapproval of exports of these weapons. Congressional oversight must be retained.

## 2) Proliferation of 3D Gun Printing Technical Information

There is a serious risk that this transfer will open the floodgates of information for the 3D printing of nearly-undetectable firearms and components by foreign persons and terrorists that intend to harm U.S. citizens and interests. The Department of Commerce claims that it cannot, by its own regulations, prevent the publication, including on the Internet for global consumption, of technical information and blueprint files that would enable this 3D production, if such information has once been published, even illegally. This is outrageous and simply unacceptable given the dangers it poses to U.S. citizens and interests.

Moreover, it may also be at variance with recent law. Section 1758 of the Export Control Reform Act of 2018 authorizes the Secretary of Commerce to control “emerging and foundational technologies” that (A) are essential to the national security of the United States; and (B) are not critical technologies described in clauses (i) through (v) of section 721(a)(6)(A) of the Defense Production Act of 1950. 3D printing has been identified by this Administration as an emerging technology of concern, and the Department of Commerce itself used 3D printing as an example of “emerging technology” in its November 19, 2018 Federal Register notice seeking public comment on what constitutes emerging technologies pursuant to this new statutory charge. Then-Secretary of Defense Mattis twice mentioned the challenges of 3D printing in congressional testimony, and Director of National Intelligence Coats, in his 2018 Worldwide Threat Assessment of the U.S. Intelligence Community, stated that, “[a]dvances in manufacturing, particularly the development of 3D printing, almost certainly will become even more accessible to a variety of state and non-state actors and be used in ways contrary to our interests.”

It would seem axiomatic that the capability to 3D-print lethal weaponry that cannot easily or reliably be detected by metal detectors at airports, schools, governmental or other facilities (including the U.S. Capitol and the Department of State) would qualify as an emerging technology in need of regulatory control. Yet, the Commerce Department has told my staff that the interagency process to identify emerging and foundational technologies to be controlled has not been completed, and is unlikely to be completed for months. By proceeding with the transfer of firearms, including 3D printing technical information, to Commerce, the Administration is acting recklessly and endangering innocent lives. It should go without saying that we collectively need to understand the threat and have a plan to address this issue before making the regulatory change.

Moreover, the Department of Commerce would seem to have adequate additional regulatory authority to control 3D gun printing information, at least temporarily. Commerce can control any item for foreign policy reasons under the miscellaneous category of 0Y521, according to a final rule issued by Commerce in 2012. Preventing foreign terrorists and thugs from acquiring



the means to print undetectable guns to use against U.S. citizens is a sufficient foreign policy justification to control this technology from public release.

Ultimately, the specific provision of the Export Administration Regulations is cited as preventing Commerce from controlling the publication of 3D Printed guns in the longer term needs to be rewritten to permit this control. Until that occurs, or until Commerce determines that such technical information can and will be controlled, this technical information cannot and should not be transferred from USML to the CCL.

I look forward to your prompt response to my concerns.

Sincerely,

A handwritten signature in black ink, reading "Robert Menendez". The signature is fluid and cursive, with a large, stylized "R" and "M".

Robert Menendez  
Ranking Member

CC: The Honorable Wilbur Ross, U.S. Secretary of Commerce



## Message

**From:** Jim Bartlett, Full Circle Compliance [jebartlett@fullcirclecompliance.eu]  
**Sent:** 3/7/2019 8:33:50 PM  
**To:** minarichcm@state.gov  
**Subject:** 19-0307 Thursday "Daily Bugle"

Thursday, 7 March 2019



The Daily Bugle is a free daily newsletter from Full Circle Compliance, containing changes to export/import regulations (ATF, DOE/NRC, Customs, NISPOM, EAR, FACR/OFAC, FAR/DFARS, FTR/AES, HTSUS, and ITAR), plus news and events. Subscribe [here](#) for free subscription. [Contact us](#) for advertising inquiries and rates.

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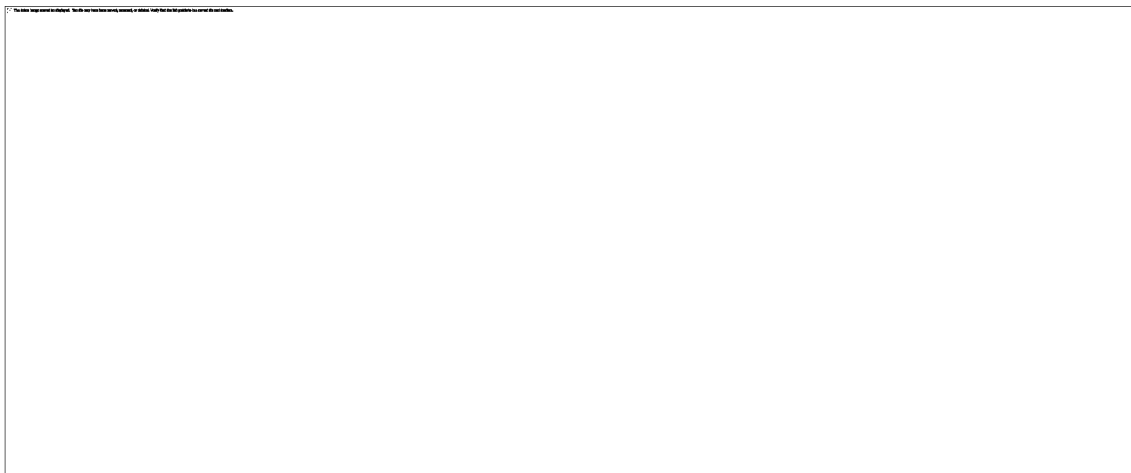
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#### **ITEMS FROM TODAY'S FEDERAL REGISTER**



1.

President Continues National Emergency with Respect to Venezuela



(Source: Federal Register, 7 Mar 2019.)

84 FR 8245-8246: Continuation of National Emergency with Respect to Venezuela

On March 8, 2015, the President issued Executive Order 13692, declaring a national emergency with respect to the situation in Venezuela based on the Government of Venezuela's erosion of human rights guarantees; persecution of political opponents; curtailment of press freedoms; use of violence and human rights violations and abuses in response to antigovernment protests; and arbitrary arrest and detention of antigovernment protestors, as well as the exacerbating presence of significant government corruption.

On August 24, 2017, I issued Executive Order 13808 to take additional steps, with respect to the national emergency declared in Executive Order 13692, to address serious abuses of human rights and fundamental freedoms; the deepening humanitarian crisis in Venezuela; the establishment of an illegitimate Constituent Assembly, which usurped the power of the democratically elected National Assembly and other branches of the Government of Venezuela; rampant public corruption; and ongoing repression and persecution of, and violence toward, the political opposition.

On March 19, 2018, I issued Executive Order 13827 to take additional steps, with respect to the national emergency declared in Executive Order 13692, to address actions taken by the Maduro regime to attempt to circumvent United States sanctions by issuing a digital currency in a process that Venezuela's democratically elected National Assembly denounced as unlawful.

On May 21, 2018, I issued Executive Order 13835 to take additional steps, with respect to the national emergency declared in Executive Order 13692, to address actions of the Maduro regime, including endemic economic mismanagement and public corruption at the expense of the Venezuelan people and their prosperity, and repression of the political opposition; attempts to undermine democratic order by holding snap elections that were neither free nor fair; and the deepening of the humanitarian and public health crisis in Venezuela.

On November 1, 2018, I issued Executive Order 13850 to take additional steps, with respect to the national emergency declared in Executive Order 13692, to address actions by the Maduro regime and associated persons to plunder Venezuela's wealth for their own corrupt purposes; degrade Venezuela's infrastructure and natural environment through economic mismanagement and confiscatory mining and industrial practices; and catalyze a regional migration crisis by neglecting the basic needs of the Venezuela people.

On January 25, 2019, I issued Executive Order 13857 to take additional steps, with respect to the national emergency declared in Executive Order 13692, to address actions by persons affiliated with the illegitimate Maduro



regime, including human rights violations and abuses in response to anti-Maduro protests; arbitrary arrest and detention of anti-Maduro protestors; curtailment of press freedom; harassment of political opponents; and continued attempts to undermine the Interim President of Venezuela and undermine the National Assembly, the only legitimate branch of government duly elected by the Venezuelan people, and to prevent the Interim President and the National Assembly from exercising legitimate authority in Venezuela.

The circumstances described in Executive Order 13692, and subsequent Executive Orders issued with respect to Venezuela, have not improved and they continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13692.

This notice shall be published in the Federal Register and transmitted to the Congress.

[Presidential Signature.]

THE WHITE HOUSE,  
MARCH 5, 2019.

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2.

## Commerce/BIS Seeks Industry Feedback Concerning License Exceptions and Exclusions

(Source: [Federal Register](#), 7 Mar 2019.) [Excerpts.]

84 FR 8302: Proposed Information Collection; Comment Request; License Exemptions and Exclusions

\* AGENCY: Bureau of Industry and Security, Commerce.

\* ACTION: Notice.

\* SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

\* DATES: To ensure consideration, written comments must be submitted on or before May 6, 2019.

\* ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, 1401 Constitution Avenue NW, Room 6616, Washington, DC 20230 (or via the internet at [PRAComments@doc.gov](mailto:PRAComments@doc.gov).)



\* FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, BIS ICB Liaison, (202) 482-8093 or at [mark.crace@bis.doc.gov](mailto:mark.crace@bis.doc.gov).

\* SUPPLEMENTARY INFORMATION: ... Over the years, BIS has worked with other Government agencies and the affected public to identify areas where export licensing requirements may be relaxed without jeopardizing U.S. national security or foreign policy. Many of these relaxations have taken the form of licensing exceptions and exclusions. Some of these license exceptions and exclusions have a reporting or recordkeeping requirement to enable the Government to continue to monitor exports of these items. Exporters may choose to utilize the license exception and accept the reporting or recordkeeping burden in lieu of submitting a license application. These exceptions and exclusions have allowed exporters to ship items quickly, without having to wait for license approval.

These collections are designed to reduce export licensing burden. It is up to the individual company to decide whether it is most advantageous to continue to submit license applications or to comply with the reporting or recordkeeping requirements and take advantage of the licensing exception or exclusion. ...

- OMB Control Number: 0694-0137.
- Form Number: None.
- Type of Review: Regular submission (extension of a current information collection).
- Affected Public: Non-profit institutions; State, local, or tribal government; business or other for-profit organizations. ...
- Respondent's Obligation: Voluntary.
- Legal Authority: Export Control Reform Act (ECRA) of 2018. ...

Sheleen Dumas, Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

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## OTHER GOVERNMENT SOURCES



### 3. Items Scheduled for Publication in Future Federal Register Editions (Source: [Federal Register](#))

- \* Commerce/BIS;
  - PROPOSED RULES; Commerce Control List for Items Transferred from United States Munitions List Categories IV and XV; and



- NOTICES; National Security Investigation of Imports of Titanium Sponge  
[Pub. Dates: 8 Mar 2019.]

\* State;

- PROPOSED RULES; Review of United States Munitions List Categories IV  
and XV; and

- NOTICES; Disclosure of Violations of the Arms Export Control Act [Pub.  
Dates: 8 Mar 2019.]

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#### 4. Commerce/BIS: (No new postings.)

(Source: [Commerce/BIS](#))

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#### 5. DHS/CBP Releases Harmonized System Update 1903

(Source: [CSMS# 19-000108](#), 7 Mar 2019.)

Harmonized System Update (HSU) 1903 was created on March 6, 2019 and  
contains 67 ABI records and 13 harmonized tariff records.

Changes made include those mandated by a final rule, published by the  
Agricultural Marketing Service, terminating the raspberry assessment. These  
changes were effective beginning February 21, 2019, and the Federal  
Register Notice can be retrieved using the [following link](#).

Modifications required by the verification of the 2019 Harmonized Tariff  
Schedule (HTS) are included as well.

The modified records are currently available to all ABI participants and can  
be retrieved electronically via the procedures indicated in the CATAIR. For  
further information about this process, please contact your client  
representative. For all other questions regarding this message, please  
contact Jennifer Keeling via email at [Jennifer.L.Keeling@cbp.dhs.gov](mailto:Jennifer.L.Keeling@cbp.dhs.gov).

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#### 6. State/DDTC: (No new postings.)

(Source: [State/DDTC](#))

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7.

## EU Repeals Implementing Regulation Concerning Combined Nomenclature

(Source: [Official Journal of the European Union](#), 7 Mar 2019.)

### *Regulations*

\* [Commission Implementing Regulation \(EU\) 2019/368](#) of 4 March 2019 repealing Implementing Regulation (EU) No 444/2013 concerning the classification of certain goods in the Combined Nomenclature

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## NEWS



## 8. Defense News: "Germany to Extend Saudi Weapons Embargo Until Month's End"

(Source: [Defense News](#), 6 Mar 2019.)

The German government will extend an arms embargo against Saudi Arabia through the end of the month, risking escalation of a growing dispute with France and the United Kingdom over sales of jointly produced weapons.

Foreign Minister Heiko Maas made the announcement during a news conference with his Danish counterpart, Anders Samuelsen, in Berlin on Wednesday. The ban was previously set to expire March 9.

Germany's objections against arming Riyadh have taken center stage here in the negotiations over boosting the European Union's defense capabilities. Industry advocates fear that Germany's restrictive stance on arms exports undermines the newfound unity in producing joint military gear, including a sixth-generation fighter aircraft, a battle tank and a high-flying drone.

Officials in France and the U.K. have accused Germany of holding up weapons sales to Saudi Arabia, the world's third-largest spender on defense, even when only a relatively small percentage of the overall product is made in Germany. These governments claim this has led to financial losses for their domestic defense industries.

The Merkel government placed a ban on weapons sales to Saudi Arabia following the death of Saudi journalist and Washington Post contributor Jamal Khashoggi, a U.S. permanent resident. It's alleged he was killed at the Saudi consulate in Istanbul, Turkey, last fall. Western officials believe Crown Prince Mohammed bin Salman was involved in orchestrating the



killing. The regime has denied any knowledge of it, instead describing the crime as a rogue operation gone wrong.

Maas on Wednesday tied the future of the arms ban to developments in the Yemen civil war, where Saudi Arabia is an active combatant. Government officials are expected to assess the way ahead during this month, Maas was quoted as saying by the German wire service DPA.

Extension of the ban covers new export licenses. In cases where the government has previously approved a company's export petition, the equipment would not reach the delivery stage, Maas said.

Angela Merkel's CDU party has advocated for loosening export restrictions in the interest of European unity. The junior party, SPD, to which Maas belongs, has defined the issue as an ethical question, with the main objective of denying Germany's weapons to human rights abusers.

Florian Post, a key voice in the SPD on arms exports policy, said in an interview with the Deutschlandfunk radio station earlier this month that Germany had "morally superior arguments" over France and Britain.

German industry officials have quietly lobbied the government to ease its restrictions, especially in cases of previously approved licenses. So far, few defense companies have openly challenged Berlin's stance for fear of angering their main client.

"The unilateral extension of the ban on arms exports primarily affects European partners," Matthias Wachter, a defense analyst with the German industry association BDI, wrote on Twitter. "Berlin threatens future joint projects and its own ambitions to foster a common European defense policy. Germany isolates itself in Europe even further."

Berlin's skirmishes with Paris and London aside, some experts here believe the issue can only be settled through a multilateral approach. "You can't solve this problem bilaterally," Wolfgang Rudischhauser, vice president of the Berlin-based Federal Academy for Security Policy, told Defense News. "What we need is a European solution."

He noted that the EU already has an approved common position for weapons exports, dated 2008 and crafted under French leadership of the European Council at the time.

But the rules lack an enforcement mechanism, leaving great leeway to EU members in the interpretation and overall adherence. The policy does speak to the question of exporting weapons to areas of conflict, however, and their application today would mean "the prospect of exports to Saudi Arabia at this point would have to be seriously scrutinized," Rudischhauser told Defense News.

Widening the arms exports debate to a wider European level would mean "both sides will have to move," he added, referring to Germany on one side



and France and the U.K. on the other. That is because other member countries, like Sweden, also have restrictive policies.

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## 9. International Trade Compliance Update: "Swiss Government Announces Restriction on Licenses for War Materials Exported to Lebanon"

(Source: [International Trade Compliance Update](#), 6 Mar 2019.)

The Swiss Government recently announced that licenses will no longer be permitted for war materials ("*Kriegsmaterial*") exported to end users in Lebanon. Previously, a license could be obtained for war materials supplied to groups responsible for the protection of Politically Exposed Persons, subject to a declaration of no re-export without written Swiss permission and on-site checks. The change in approach resulted from a post-shipment verification in 2018, which allowed only for the physical verification of 9 out of 40 military rifles and pistols, despite an export license having been granted in 2016. Moving forward, Swiss licenses will no longer be available for war materials being exported to Lebanon, regardless of their end-use.

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## 10. Reuters: "Germany Risks Harming Industry with Unilateral Arms Embargoes: Minister"

(Source: [Reuters](#), 7 Mar 2019.) [Excerpts.]

Germany risks harming its defense industry with unilateral arms embargoes, such as the one imposed on weapons sales to Saudi Arabia, Economy Minister Peter Altmaier said on Thursday, underscoring the need for a common European policy.

Speaking at a conference on export controls, Altmaier said Germany had extended through the end of March a freeze in shipments of already approved arms to Riyadh after the killing of journalist Jamal Khashoggi by Saudi operatives last October.

He declined to predict whether any of those deals would be allowed to proceed, noting Germany's coalition government parties were wrestling with the issue.

Germany's unilateral decision on Saudi arms sales has exacerbated long-standing differences over arms controls between Berlin and its European partners. Berlin is under pressure from industry and European allies to ease the embargo.



The move has called into question billions of euros of military orders, including a 10 billion pound (\$13 billion) deal to sell 48 Eurofighter Typhoon jets to Riyadh.

Germany's ruling coalition is deeply divided on the issue, with the Social Democrats, junior partners to Chancellor Angela Merkel's conservatives, reluctant to alienate voters who are generally skeptical about arms sales and military spending.

Altmaier, a conservative, said it was important to stick to language on arms export controls agreed by the coalition parties last year, including a strict approach on exports of small arms.

But he said there was some room for maneuver in interpreting other parts of the coalition accord, including a clause that offers protections for previously agreed deals and another that bans arms sales to any parties to the war in Yemen.

The SPD argues the ban should apply to Saudi Arabia, which is leading a coalition fighting the Iran-backed Houthis in Yemen, but others say some of the weapons now held up are purely defensive in nature or are not relevant to the Yemen war.

Altmaier said he had argued unsuccessfully after Khashoggi's death for Germany to push for a joint European position on arms sales to Saudi Arabia.

He said France and Germany were now working on a bilateral agreement on future arms exports, but some aspects of that effort were proving difficult to finalize.

He said a joint export policy was essential to ensure the economic success of joint development programs such as a new combat jet.

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## 11. Roll Call: "House Democrats Press to Stop Gun Export Rule Change"

(Source: [Roll Call](#), 7 Mar 2019.) [Excerpts.]

*Democrats hope to block a change that could make it easier to export firearms abroad, but time is running out*

House Democrats are working to block a proposed Trump administration regulatory change that is expected to make it easier to export firearms abroad, but it's unclear if there's enough time to stop the change from taking effect.



Legislation introduced last month by Rep. Norma J. Torres of California would effectively take away the president's ability to shift export control of firearms from the State Department to the Commerce Department.

But the measure is running up against a deadline: Congress' formal window to review the proposed rule change ends this week.

Torres told reporters this week that House Foreign Affairs Chairman Eliot L. Engel of New York, who is an original co-sponsor of the measure, is working with her to schedule committee action on the bill soon. ...

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## 12. ST&R Trade Report: "Tariffs, Quotas on Titanium Sponge Could Result from New Section 232 Investigation" (Source: [Sandler, Travis & Rosenberg Trade Report](#), 7 Mar 2019.)

The Department of Commerce initiated March 4 an investigation under section 232 of the Trade Expansion Act of 1962 to determine whether the present quantity or circumstances of titanium sponge imports threaten to impair U.S. national security. An affirmative determination could result in import restrictions such as tariffs or quotas. Press sources note that nearly all U.S. imports of titanium sponge come from Japan and Kazakhstan.

According to a DOC press release, titanium sponge is the primary form of titanium metal from which almost all other titanium products are made. Titanium is used in the production of strategic articles such as military aircraft, space vehicles, satellites, naval vessels, missiles, and munitions. It is also widely used in critical infrastructure and commercial applications such as civilian aircraft, chemical plants, oil and gas plants, electric power and desalination plants, building structures, automobile products, and biomedical devices. The DOC adds that imports account for more than 60 percent of U.S. titanium sponge consumption and that currently only one facility in the U.S. has the capacity to process titanium ore into the sponge used in manufacturing.

If the DOC (which must consult with the Department of Defense) concludes that titanium sponge is being imported in such quantities or under such circumstances as to threaten to impair U.S. national security, and the president concurs (a decision he would have up to 90 days after the DOC's report to make), the president would have broad authority to adjust imports, including through the use of tariffs and quotas. Any import adjustments, or any other non-trade-related actions the president may elect to take, would be imposed within 15 days of the president's determination to act.

The DOC has up to 270 days to conclude this investigation and submit its report and recommendations to the president. A hearing date and request



for public comments are expected to be published shortly in the *Federal Register*.

It is worth noting that in October 2017 the International Trade Commission terminated investigations that could have led to antidumping and countervailing duties on titanium sponge from Japan and Kazakhstan after determining that there is no reasonable indication that a U.S. industry is materially injured or threatened with material injury by reason of imports of such goods. Those investigations were reportedly initiated at the request of the same companies that requested the Section 232 investigation.

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## COMMENTARY



13.

G. Forwood, S. Nordin & J. Dimmock: "Sanctions After Brexit - The First UK Sanctions Regimes"

(Source: [White & Case LLP](#), 07 March 2019.)

\* Authors: Geneva Forwood, Esq., [genevra.forwood@whitecase.com](mailto:genevra.forwood@whitecase.com); Sara Nordin, Esq., [snordin@whitecase.com](mailto:snordin@whitecase.com); and Joanna Dimmock, Esq., [joanna.dimmock@whitecase.com](mailto:joanna.dimmock@whitecase.com). All of White & Case LLP.

With Brexit looming, the UK's autonomous sanctions policy is slowly taking shape. This month saw the publication of regulations setting out the post-Brexit UK sanctions regimes for Iran, Burma and Venezuela, which will come into force in the event of a 'no deal' Brexit. However, the more difficult aspects of the UK's post-Brexit sanctions regimes are still to be determined.

Currently, many of the UK's sanctions regimes implement sanctions agreed by the EU, within a legal framework largely derived from EU sources. When the UK leaves the EU, it will need to translate its current sanctions regimes into autonomous UK sanctions. The new regulations [FN/1] (the "Regulations") are the first examples of these post-Brexit sanctions regimes, building on the framework set out in the Sanctions and Anti-Money Laundering Act 2018 ("SAML") and updated draft guidance from the Office of Financial Sanctions Implementation ("OFSI") [FN/2].

The UK's stated policy is to remain aligned with EU sanctions, and the Regulations are intended to have substantially the same effect as the existing EU-derived sanctions regimes that they would replace in the event of a 'no deal' Brexit. However, the Regulations include a number of differences in their technical implementation. Businesses will need to be



aware of these changes, which - together with changing political considerations after Brexit - could lead to divergence between the EU and UK sanctions regimes. We look at some of these changes below, along with one change - to reporting obligations - that has not yet materialized. We also take a broader look at the UK's approach to sanctions, and how it is likely to be affected by Brexit.

## **Changes Under the Regulations**

### *Ownership and Control Under the Asset Freeze*

Almost all EU and UK sanctions programs involve an asset freeze, which prohibits dealings with funds or economic resources owned, held or controlled by designated persons, or making available funds or economic resources to, or for the benefit of, designated persons.

The asset freeze provisions in the Regulations reflect those in the existing regimes, and enable asset freezing measures to apply to entities that are directly or indirectly 'owned or controlled' by a designated person. However, the definition of 'ownership or control' in the Regulations is not precisely the same as the definition set out in the EU regimes and associated guidance, and the Regulations' definition includes much more detail, such as a detailed explanation of when someone will be considered to hold shares or voting rights 'indirectly'.

It is unclear how likely this is to lead to differences in practice between the EU and UK regimes. However, the level of detail should help businesses to more easily identify whether entities are caught by asset freezing measures, and the prospect of greater clarity should be welcomed.

### *General Licenses*

A general license allows multiple parties to carry out specified activities (otherwise prohibited by sanctions) without having to obtain a specific license. The EU sanctions regimes do not provide for general licenses, but the UK government indicated in 2018 that its post-Brexit approach to sanctions would involve wider use of such licenses (perhaps inspired by the US, where such licenses are commonly used). This is reflected in the Regulations, which provide for the issuing of general licenses [FN/3]. OFSI's draft guidance indicates that such licenses are likely to be used in relation to unforeseeable circumstances in order to support the UK government's policy priorities - for example, where otherwise prohibited financial activity is required to facilitate the provision of aid in response to a humanitarian crisis.

It is hoped that OFSI would expand the use of general licenses over time to cover common situations that did not threaten the purpose of the relevant sanctions. This would allow UK sanctions regimes to be more flexible than was possible under the EU regimes, and would reduce the burden on OFSI and on businesses that would otherwise have to apply for individual licenses.



### *New Licensing Grounds for Asset Freezing*

The Regulations also include new licensing grounds for asset freezing, one of which permits OFSI to issue a license to "*enable anything to be done to deal with an extraordinary situation*". OFSI's draft guidance indicates that this will cover situations that are extraordinary in nature but do not necessarily involve a designated person incurring an expense (which would be covered under the pre-existing 'extraordinary expenses' ground) - for example, funds being released to support disaster relief or provide aid in extraordinary situations. This ground cannot be used where other grounds are more suitable or to avoid the clear limitations of other grounds, but its potential breadth offers further flexibility for the new UK regimes.

Interestingly, another new ground - to "*enable anything to be done in connection with the performance of any humanitarian assistance activity*" - is included in the Iran Regulations only. Its inclusion there is unsurprising, given the UK and EU's concerns around the impact of re-imposed US sanctions on humanitarian supplies to Iran following the US's withdrawal from the Iranian nuclear deal. However, it is unclear why the ground is not included in the other Regulations, particularly given the current situation in Venezuela.

### *Information Sharing*

The Regulations expand the bases for disclosure of information by the Secretary of State, Treasury and HMRC to third parties, including for the purpose of "facilitating the exercise by an authority outside the United Kingdom or by an international organization of functions which correspond to functions under these Regulations". The Regulations also specifically permit disclosure to "any other regulatory body (whether or not in the United Kingdom)", expanding on the equivalent previous wording that referred to regulatory bodies "including those of Member States". This is likely to be primarily intended to enable disclosure of information to OFAC where the UK's sanctions policy aligns with that of the US.

### *Reporting Obligations*

UK sanctions reporting requirements currently only apply to certain 'relevant' professions and businesses (including legal professionals, estate agents and financial institutions), in contrast to EU reporting requirements to facilitate compliance, which cover all natural and legal persons. Failing to comply with the UK sanctions reporting requirements is a criminal offence. The UK government signaled last year that it planned to extend the UK requirements to reflect the EU position on covered persons [FN/4], and SAMLA included a provision to enable sanctions regulations to include such reporting requirements.

However, the Regulations do not include any such reporting requirements following the EU scope of covered persons, and instead maintain the standard UK position of applying such requirements only to specified



'relevant firms' in particular sectors. OFSI's post-Brexit guidance similarly focuses solely on these limited reporting requirements, and makes no reference to the possibility of broader scope requirements arising.

The reason for this is unclear, but it is possible that the government plans to extend the reporting requirements in the Regulations at a later date by way of supplementary regulations, as provided for in SAMLA. This would avoid newly covered businesses (of which there would potentially be a very large number) becoming subject to the reporting requirements, and having to put appropriate reporting measures in place, at the same time as dealing with the effects of a 'no deal' Brexit.

### **UK / EU Alignment Against US Sanctions on Iran**

Following the US's withdrawal from the Joint Comprehensive Plan of Action ("JCPOA") and re-imposition of extraterritorial sanctions on Iran, the EU responded by updating Council Regulation (EC) No. 2271/96 (the "Blocking Regulation") in an effort to reduce the impact on Iran [FN/5]. The updated Blocking Regulation forbids EU natural and legal persons from complying with the re-imposed US sanctions to the extent they are listed in the Blocking Regulation and apply extraterritorially, unless exceptionally authorized to do so by the European Commission.

Despite Brexit, the UK is not only standing with the EU on this issue, but is taking a leading role in European efforts to preserve the JCPOA. The UK has implemented the updated Blocking Regulation by updating existing law, making it a criminal offence for UK nationals and entities to comply with the reintroduced US sanctions [FN/6]. The Blocking Regulation itself will be incorporated into domestic UK law on Brexit by virtue of section 3 of the European Union (Withdrawal) Act 2018 (albeit various amendments will be needed to make it UK-specific), and the UK government has confirmed that it intends to uphold the policy intent of the Blocking Regulation post-Brexit [FN/7]. In addition, the UK - together with France and Germany - has established a special purpose vehicle, the Instrument in Support of Trade Exchanges (INSTEX), to facilitate trade between European businesses and Iran, although further steps are needed before it becomes operational [FN/8].

These measures should not be taken as indicating that the UK will move in lockstep with the EU on all sanctions issues post-Brexit - there will undoubtedly be instances where the UK lines up with the US (e.g. on Russia, as covered below) or charts a separate path. However, the UK's close alignment with the EU on this issue reflects a fundamental point - whether you are imposing or opposing sanctions, coordination increases effectiveness. London's prevalence as a financial center will give UK sanctions greater influence, but the UK will need to win the support of the EU, US or other major players if its post-Brexit sanctions are to have maximum impact.

### **Other Regulations Still in the Pipeline**



Regulations for most post-Brexit sanctions regimes are still to come, although the UK government has acknowledged that it will not be possible to prepare regulations for all regimes before exit day [FN/9]. Perhaps the most interesting will be those for Russia. Although the EU has now imposed asset freezes and travel bans on four Russian intelligence officers following the Salisbury poisonings, the UK has made clear that it intends to go further, and we are likely to see the first use of SAMLA's 'Magnitsky clause' to impose sanctions for 'gross violations of human rights'. In doing so, the UK would be following in the footsteps of the US, which has previously imposed asset freezes and visa bans on Russian officials under the Magnitsky Act, and which has introduced broad additional sanctions on Russia post-Salisbury.

## Conclusion

The Regulations show that, in the event of a 'no deal' Brexit, the UK's new sanctions regimes would include material changes. Businesses would need to pay attention to avoid being caught out by reliance on their understanding of the old regimes, particularly as OFSI appears to be willing to act on even minor breaches - last month it imposed its first monetary penalty (of £5,000) for a breach of financial sanctions regulations, which involved a sum of only £200 [FN/10].

More broadly, the UK's alignment with the EU on Iran, and the expected alignment with the US on Russia, demonstrate both the existence and the limits of the UK's independence on sanctions post-Brexit. Brexit (and SAMLA) will give the UK the freedom to take the same 'transatlantic' approach to sanctions as it has often done for foreign policy, aligning itself with the US or the EU as it sees fit. However, the UK will no longer have the same ability to influence EU sanctions, and if it acts alone - without the support of the US or EU - it may well find that its sanctions lack force. In theory, Brexit means the UK will be free to go its own way on sanctions. In practice, that freedom will be limited.

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[FN/1] [The Iran \(Sanctions\) \(Human Rights\) \(EU Exit\) Regulations 2019](#), [The Venezuela \(Sanctions\) \(EU Exit\) Regulations 2019](#) and [The Burma \(Sanctions\) \(EU Exit\) Regulations 2019](#).

[FN/2] The updated draft guidance is available [here](#), but note that it will only come into force if and when the Regulations come into force, i.e. in the event of a 'no deal' Brexit.

[FN/3] See paragraph 4 of [the May 2018 policy note on exceptions and licenses under SAMLA](#).

[FN/4] As set out in our June 2018 alert, [Sanctions after Brexit - why UK businesses will face a greater compliance burden](#).

[FN/5] As set out in our August 2018 alert, [United States re-imposes certain Iran-related sanctions after 90-day wind-down period; EU responds with updated EU Blocking Regulation](#).

[FN/6] Specifically, the Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) Order 1996 (the "1996 Order") made it a criminal offence to breach the Blocking Regulation. The Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading



Interests) (Amendment) Order 2018 (the "2018 Order") updated the 1996 Order, extending the offence to cover conduct within the scope of the updated Blocking Regulation. 10 See the penalty notice [here](#).

[FN/7] See paragraph 7.5 of the explanatory memorandum to the 2018 Order, available [here](#).

[FN/8] As set out in our February 2019 alert, [UK, France, Germany create INSTEX SPV to support trade with Iran](#).

[FN/9] See paragraph 42 of the Foreign and Commonwealth Office's written evidence to the Foreign Affairs Select Committee, available [here](#).

[FN/10] See the penalty notice [here](#).

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14.

### M. Volkov: "OFAC Announces Yet Another Enforcement Action - Cement Clinker Company Settles for Violations of Iran Sanctions Program"

(Source: [Volkov Law Group Blog](#), 6 Mar 2019. Reprinted by permission.)

\* Author: Michael Volkov, Esq., Volkov Law Group, [mvolkov@volkovlaw.com](mailto:mvolkov@volkovlaw.com), 240-505-1992.

OFAC is definitely off to a fast start this year - it recently announced its fourth enforcement action for 2019. So far, OFAC has collected over \$7 million in civil penalties.

While this may not appear to be a lot of money in civil penalties, it is important to remember the consequences of an OFAC settlement and scrutiny for future violations, restrictions on exports, and damage to a company's reputation. Perhaps it is not the civil penalty that hurts a company but the overall damage to a company's reputation and its relationship with its customers, vendors and suppliers, its shareholders (if publicly-owned), and its stakeholders.

OFAC reached a settlement with ZAG IP, LLC, a US-based company, in which ZAG agreed to pay a penalty of \$506,250 for five apparent violations of the Iran Sanctions Program. (Copy [Here](#)). Between July 2014 and January 2015, ZAG purchased in five separate transactions 263 thousand metric tons of Iranian-origin clinker from a company based in the United Arab Emirates and then resold it to a company in Tanzania.

OFAC alleges that ZAP knew that the clinker was sourced from Iran. The value of the shipments was almost \$15 million.

For our own education, clinker is a binder powder used in many cement products. Clinker is traded internationally in large quantities. Cement manufacturers use it to make various cement-based products.



ZAP voluntarily disclosed the apparent violations. In April 2014, ZAP signed a contract with the Tanzania country in which ZAP agreed to supply approximately 400,000 metric tons of clinker manufactured by a company in India.

In June 2014, the Indian supplier sent an email to ZAG's Managing Director of Asia Pacific, Middle East and East Africa Regions notifying ZAG that it would not be able to supply ZAG with sufficient cement clinker by a July 5, 2014 shipping date. ZAG attempted to reschedule the date for its first shipment but the Tanzanian company objected to any delay and threatened to cancel the contract.

The ZAG Managing Director found a business contact and trading company in the UAE capable of providing Iranian-origin cement clinker. ZAG's Managing Director agreed to purchase the cement clinker and mistakenly relied on the UAE company's representation that the cement clinker was not subject to the Iran Sanctions Program. The ZAG Managing Director also knew that the cement clinker was being shipped from an Iranian port.

OFAC specifically cited ZAG's deficient due diligence process for review and approval of the transactions; the fact that ZAG's senior management knew that ZAG was purchasing and reselling goods of Iranian origin; ZAG is a commercially sophisticated company; and ZAG did not have an effective OFAC compliance program in place that was commensurate with the level of risk. As part of its remediation effort, ZAG developed and implemented a U.S. Export Controls and Economic Compliance Manual and appointed a sanctions compliance officer.

OFAC underscored that the enforcement case: "demonstrates the importance for companies operating in high-risk industries (e.g., international trading) to implement risk-based compliance measures, especially when engaging in transactions involving exposure to jurisdictions or persons implicated by U.S. sanctions. It is essential that companies engaging in international transactions consider and respond to sanctions-related warning signs, such as information that goods originating from, being loaded or unloaded at ports located in, or trans-shipping through, countries or regions subject to comprehensive U.S. economic and trade sanctions."

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15. J.E. Bartlett: "A New DDTC Consent Agreement Says: 'Train Your Empowered Officials!'"  
(Source: Author)

\* Author: James E. Bartlett III, Principal, Full Circle Trade Law, PLLC, Washington, DC. 202-802-0646, [JEBartlett@JEBartlett.com](mailto:JEBartlett@JEBartlett.com).



If your U.S. company employs a Licensed Customs Broker and an Empowered Official under the International Traffic in Arms Regulations (ITAR), you have comfort in knowing that at least your Customs broker had to study for months to pass a difficult government examination to get that broker's license. But what about your ITAR Empowered Official? There is no EO examination, and no specific study or DDTC certification is required. To become an EO, ITAR § 120.25(a) requires only that the EO be a U.S. person (ITAR § 120.15), and that that person:

- (1) is directly employed by the applicant or a subsidiary in a position having authority for policy or management within the applicant organization;
- (2) has been empowered in writing by the applicant to sign license applications or other requests for approval on behalf of the applicant;
- (3) understands the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability and administrative penalties for violating the Arms Export Control Act and the ITAR; and
- (4) has the independent authority to:
  - (i) inquire into any aspect of a proposed export, temporary import, or brokering activity by the applicant;
  - (ii) verify the legality of the transaction and the accuracy of the information to be submitted; and
  - (iii) refuse to sign any license application or other request for approval without prejudice or other adverse recourse.

So a company might get away with pointing at a company salesman, a shipping clerk, an office admin, or even the company plumber who has no export control training, and say, "Our former ITAR Empowered Official retired yesterday, and we haven't hired a replacement yet, so congratulations! Here is your written empowerment designation letter. You are our new ITAR Empowered Official. Now sit down and sign all these export license applications."

For compliance trainers, there's nothing better than a bad example. My favorite is former University of Tennessee professor John Reese Roth, PhD, who was sentenced to 4 years in prison for ITAR violations, or that snazzy slide created years ago by Mark Menefee of BIS/OEE containing dozens of corporate logos of companies fined for export violations. But until a few weeks ago, we did not have an example of a company being punished for not appointing an Empowered Official who was well trained in export control regulations.

Now we have a new bad example to point to: R.E. Darling Industries settled DDTC charges that the ITAR-registered company failed to appoint a qualified EO. Specifically, DDTC charged that R.E. Darling's EO "was not in a position of having authority for policy or management within R.E. Darling's organization ... [and] did not understand the provisions and requirements of the various export statutes and regulations." It appears that the EO "prepared, signed, and submitted license applications that reflected a deficient understanding of the licensing process and the regulations." DDTC charged Darling Industries with six ITAR violations, including appointing an EO who did not meet the ITAR § 120.25(a) requirements. Under



the Consent Agreement, the company settled for a fine of \$400,000 (with \$200,000 permitted to be used for remedial compliance measures) and other remedies, including appointing a Special Compliance Officer, undergoing a mandatory external compliance audit, and ensuring "that adequate resources are dedicated to ITAR compliance."

Even though DDTC does not require specific training or a certification process for the EO position, companies must take the appointment of an EO seriously. That person must have the qualifications listed ITAR § 120.25(a) before acting as the company's EO. Companies must also spend the time and money necessary to keep that EO trained and knowledgeable about these requirements. The R.E. Darling consent agreement should serve as a timely warning to all ITAR registered companies.

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## EX/IM TRAINING EVENTS & CONFERENCES



16. ECTI Presents "How to Improve Export Compliance with Effective Audits" Webinar on 23 Apr  
(Source: D. Hatch, [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com).)

- \* What: How to Improve Export Compliance with Effective Audits
- \* When: April 23, 2019 1:00 p.m. (EDT)
- \* Where: Webinar
- \* Sponsor: Export Compliance Training Institute (ECTI)
- \* ECTI Speaker: Felice Laird
- \* Register: [here](#) or contact Danielle Hatch, 540-433-3977, [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com).

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17. ICPA Presents "2019 EU Conference", 15-17 May in London  
(Source: [ICPA](#))

- \* What: 2019 EU Conference
  - Import and Export Track (click [here](#) for the agenda)
  - Professional Speakers
  - Hot Industry Topics
- \* When: 15-17 May 2019
- \* Where: [The Tower Hotel](#), London, United Kingdom



\* Sponsor: International Compliance Professionals Association (ICPA)

\* Information & Registration: Click [here](#).

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## EDITOR'S NOTES



### 18. Bartlett's Unfamiliar Quotations

(Source: Editor)

\* **Daniel D. Palmer** (7 Mar 1845 - 20 Oct 1913; was the founder of chiropractic. He was an avid proponent of various forms of pseudoscientific alternative medicine such as magnetic healing. He was an opponent of vaccination.)

- *"The best physicians are Dr. Diet, Dr. Quiet, and Dr. Merryman."*

- *"The mill cannot grind with the water that is past."*

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### 19. Are Your Copies of Regulations Up to Date?

(Source: Editor)

\* DHS CUSTOMS REGULATIONS: 19 CFR, Ch. 1, Pts. 0-199. Implemented by Dep't of Homeland Security, U.S. Customs & Border Protection.

- Last Amendment: 14 Jan 2019: 84 FR 112-116: Extension of Import Restrictions Imposed on Certain Archaeological and Ecclesiastical Ethnological Material from Bulgaria; and 84 FR 107-112: Extension of Import Restrictions Imposed on Certain Archaeological Material From China

\* DOC EXPORT ADMINISTRATION REGULATIONS (EAR): 15 CFR Subtit. B, Ch. VII, Pts. 730-774. Implemented by Dep't of Commerce, Bureau of Industry & Security.

- Last Amendment: 20 Dec 2018: 83 FR 65292-65294: Control of Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML); Correction [Concerning ECCN 7A005 and ECCN 7A105.]

\* DOC FOREIGN TRADE REGULATIONS (FTR): 15 CFR Part 30. Implemented by Dep't of Commerce, U.S. Census Bureau.

- Last Amendment: 24 Apr 2018: 83 FR 17749-17751: Foreign Trade Regulations (FTR): Clarification on the Collection and Confidentiality of Kimberley Process Certificates

- HTS codes that are not valid for AES are available [here](#).



- The latest edition (1 Jan 2019) of *Bartlett's Annotated FTR* ("BAFTR"), by James E. Bartlett III, is available for downloading in Word format. The BAFTR contains all FTR amendments, FTR Letters and Notices, a large Index, and approximately 250 footnotes containing case annotations, practice tips, Census/AES guidance, and explanations of the numerous errors contained in the official text. Subscribers receive revised copies in Microsoft Word every time the FTR is amended. The BAFTR is available by annual subscription from the Full Circle Compliance [website](http://www.FullCircleCompliance.eu). BITAR subscribers are entitled to a 25% discount on subscriptions to the BAFTR. Government employees (including military) and employees of universities are eligible for a 50% discount on both publications at [www.FullCircleCompliance.eu](http://www.FullCircleCompliance.eu).

\* DOD NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPOM): DoD 5220.22-M. Implemented by Dep't of Defense.

- Last Amendment: 18 May 2016: Change 2: Implement an insider threat program; reporting requirements for Cleared Defense Contractors; alignment with Federal standards for classified information systems; incorporated and cancelled Supp. 1 to the NISPOM (Summary [here](#).)

\* DOE ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES: 10 CFR Part 810; Implemented by Dep't of Energy, National Nuclear Security Administration, under Atomic Energy Act of 1954.

- Last Amendment: 23 Feb 2015: 80 FR 9359, comprehensive updating of regulations, updates the activities and technologies subject to specific authorization and DOE reporting requirements. This rule also identifies destinations with respect to which most assistance would be generally authorized and destinations that would require a specific authorization by the Secretary of Energy.

\* DOE EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; 10 CFR Part 110; Implemented by Dep't of Energy, U.S. Nuclear Regulatory Commission, under Atomic Energy Act of 1954.

- Last Amendment: 20 Nov 2018, 10 CFR 110.6, Re-transfers.

\* DOJ ATF ARMS IMPORT REGULATIONS: 27 CFR Part 447-Importation of Arms, Ammunition, and Implements of War. Implemented by Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives.

- Last Amendment: 15 Jan 2016: 81 FR 2657-2723: Machineguns, Destructive Devices and Certain Other Firearms; Background Checks for Responsible Persons of a Trust or Legal Entity With Respect To Making or Transferring a Firearm.

\* DOS INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR): 22 C.F.R. Ch. I, Subch. M, Pts. 120-130. Implemented by Dep't of State, Directorate of Defense Trade Controls.

- Last Amendment: 4 Oct 2018: 83 FR 50003-50007: Regulatory Reform Revisions to the International Traffic in Arms Regulations.

The only available fully updated copy (latest edition: 5 March 2019) of the ITAR with all amendments is contained in *Bartlett's Annotated ITAR* ("BITAR"), by James E. Bartlett III. The BITAR is a 361-page Word document containing all ITAR amendments to date, plus a large Index, over 800 footnotes containing



amendment histories, case annotations, practice tips, DDTC guidance, and explanations of errors in the official ITAR text. Subscribers receive updated copies of the BITAR in Word by download, usually revised within 24 hours after every ITAR amendment. The BITAR is available by annual subscription from the Full Circle Compliance [website](#). BAFTTR subscribers receive a \$25 discount on subscriptions to the BITAR, please [contact us](#) to receive your discount code.

\* DOT FOREIGN ASSETS CONTROL REGULATIONS (OFAC FACR): 31 CFR, Parts 500-599, Embargoes, Sanctions, Executive Orders.  
Implemented by Dep't of Treasury, Office of Foreign Assets Control.  
- Last Amendment: 15 Nov 2018: [83 FR 57308-57318](#): Democratic Republic of the Congo Sanctions Regulations

\* USITC HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS, HTSA or HTSUSA), 1 Jan 2019: 19 USC 1202 Annex. Implemented by U.S. International Trade Commission. ("HTS" and "HTSA" are often seen as abbreviations for the Harmonized Tariff Schedule of the United States Annotated, shortened versions of "HTSUSA".)  
- Last Amendment: 7 Mar 2019: [Harmonized System Update \(HSU\) 1903](#) [contains 67 ABI records and 13 harmonized tariff records].  
- HTS codes for AES are available [here](#).  
- HTS codes that are not valid for AES are available [here](#).

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## 20. Weekly Highlights of the Daily Bugle Top Stories (Source: Editor)

Review last week's top Ex/Im stories in "Weekly Highlights of the Daily Bugle Top Stories" published [here](#).

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## EDITORIAL POLICY

\* The Ex/Im Daily Update is a publication of FCC Advisory B.V., compiled by: Editor, James E. Bartlett III; Assistant Editors, Alexander P. Bosch and Vincent J.A. Goossen; and Events & Jobs Editor, Alex Witt. The Ex/Im Daily Update is emailed every business day to approximately 6,500 readers of changes to defense and high-tech trade laws and regulations. We check the following sources daily: Federal Register, Congressional Record, Commerce/AES, Commerce/BIS, DHS/CBP, DOE/NRC, DOJ/ATF, DoD/DSS, DoD/DTSA, FAR/DFARS, State/DDTC, Treasury/OFAC, White House, and similar websites of Australia, Canada, U.K., and other countries



and international organizations. Due to space limitations, we do not post Arms Sales notifications, Denied Party listings, or Customs AD/CVD items.

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## Message

**From:** Marquis, Matthew R [MarquisMR@state.gov]  
**Sent:** 3/7/2019 9:46:11 PM  
**To:** Windecker, Melissa A [WindeckerMA@state.gov]; PM-Strategy [PM-Strategy@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; Brown, Stanley L [BrownSL@state.gov]; O'Keefe, Kevin P [OKeefeKP@state.gov]; Miller, Michael F [MillerMF@state.gov]; Mak, Daniella [MakD@state.gov]; Martin, Davette T [MartinDT@state.gov]; Dudding, Maria [DuddingM@state.gov]; Litzenberger, Earle D (Lee) [LitzenbergerED@state.gov]; Nute, Kathryn M [NuteKM3@state.gov]; McVerry, James [James.McVerry.ctr@dla.mil]; String, Marik A [StringMA@state.gov]; Phalen, Susan A [PhalenSA@state.gov]; chandrawhalenlaw@gmail.com  
**Subject:** CPA MEDIA MONITORING: 7 March 2019

**Alerts for 7 March 2019**

"The Politics of Selling Weapons to Algeria", One of the biggest buyers of Russian weapons systems on the African continent wants the United States to revisit the restrictions that prevent it from buying military gear made in America.

"The growing appetite for armed drones in the Middle East", America wants to muscle its way back into the market. In April 2018 the Trump administration began loosening export rules to let countries buy armed drones directly from defence companies rather than through official channels. Drones with "strike-enabling technology", such as lasers to guide bombs to their targets, were reclassified as unarmed.

"US Delayed Lethal Aid to Ukraine Despite Congressional Authority", American policymakers are dubious about the provision of lethal aid to Ukraine, as it has been a contentious issue for the US. The idea alone could escalate tensions with Russia or incite an entirely new conflict with the country.

"Spotlight: Turkey expects first light aircraft carrier to boost naval capabilities", However, it won't be a easy task for the Turkish navy to equip the TGC Anadolu with F-35Bs considering the ongoing political conflict between Ankara and Washington.

"Brazil Hopes U.S. Visit Locks Down Deals on Defense and Economy", "Brazil has a strong interest in renewing its military equipment and capacity and for that a partnership with the U.S. seems vital to us," Araujo said in an interview in his Brasilia office on Thursday. "Brazil can only win from a closer relationship with the U.S."

"NATO Expansion Got Some Big Things Right", Perhaps, then, Northern Macedonia should be the final NATO member. But if the alliance does stand pat "at 30," it should do so because it has reached the limit of viable candidates that enhance its security, not because of an incomplete and simplistic reading of what the process of enlarging the Atlantic alliance has and has not achieved.

"US hints security quad may be shelved after India sees little potential", A US military commander suggested Thursday that a loose security grouping of his country, Japan, Australia and India, also known as the quad, may be shelved for now after New Delhi showed disinterest.

"US giving \$2 million to support demining", Ms Zeeberg added that in the last 25 years, the United States has spent more than \$160 million to fund clearance of landmines and other explosives as well as provide training, capacity building and mine detection equipment.



“Intel: How US diplomatic attrition is hurting Middle East policy”, While the Donald Trump administration is working on an ambitious Middle East agenda — including an Arab-Israeli peace plan led by his son in law Jared Kushner, a Gulf alliance to counter Iran’s proxies such as Lebanese Hezbollah and UN-backed deals to make peace in Syria and Yemen — few diplomats are present at the working level to help out.

“House Democrats press to stop gun export rule change”, If the rule change goes into effect, the administration would no longer be legally required to notify lawmakers of such sales — a process that they have recently used to stop gun exports to countries with human rights problems, like Turkey and the Philippines.

“Europe’s largest annual US-led artillery war games underway in Germany”, More than 3,200 soldiers from 27 countries are testing out NATO’s new counter artillery-fire doctrine, which it previously lacked, during Exercise Dynamic Front 19.

“US commander warns hazardous Chinese military activity is on the rise in the South China Sea”, A close US ally recently expressed concern that rising tensions between the US and China in the South China Sea could ignite a “shooting war,” one that could drag American partners into a conflict they do not want.

“America failed in training Afghan security forces - Europe might do better”, Washington’s primary concern is to prevent Afghanistan from once again becoming a springboard for international terrorism. Maintaining a relatively small cadre of Special Operating Forces, backed by air forces operating from the sprawling Bagram Air Base, should ensure that Afghanistan no longer will be a friendly host for terrorists. Washington also could continue to equip the Afghan security forces, though experience has shown that doing so will not necessarily ensure success in holding back the Taliban.

“Canada’s acquisition of used F-18s to cost higher than DND estimate”, The difference is largely due to costs in the operations and sustainment phase. According to the PBO, costs required to undertake life extension and upgrade are about C\$120m (\$90.22m) higher than DND’s estimate.

“Romania to acquire another 36 F-16 fighters: defense minister”, Romanian Defense Minister Gabriel Les announced late Wednesday that the procedures for acquiring another 36 F-6 fighters were already launched.

“The message to China behind Singapore’s US F-35 jet plan”, When it acquires the F-35s, Singapore will join US allies Australia, Japan and South Korea in operating the jets in the Pacific. The US also has F-35s based in Japan, and they can operate off US Navy ships moving through the region. Even the United Kingdom said earlier this year it would send an aircraft carrier with F-35s into the region in 2020.

“Uzbekistan receives Ravens to bolster border security”, The \$2.3 million case includes the four Raven systems, maintenance support, training, publications, spare parts and technical support.

“Erdogan Breaks Silence on U.S. to Stand by Russian Missile Deal”, “We will not go into a deal if they insist on keeping the ‘key’ to the system,” Erdogan said of the Patriot missiles. “We’ve agreed with the Russians, we will go into joint production. We may also go into S-500s after the S-400s.”

“Taiwan open to all fighter jet options: MND”, According to the Apple Daily, the MND on Feb. 27 made a request to the U.S. to purchase a fleet of 66 F-16V or F-16 Viper fighter jets at a cost of US\$13 billion, which would include missiles and related logistics, as well as the training of pilots and maintenance personnel.

“US B-52 bomber flies near contested islands in South China Sea”, But while the US routinely sends bombers in the vicinity of the South China Sea, Monday’s flight was the first involving a nuclear-capable B-52 since November.



“Trump pick for Saudi ambassador defends US relationship with Riyadh”, During his confirmation hearing, retired Gen. John Abizaid called for accountability for Khashoggi’s killing and support for human rights in Saudi Arabia. But he also repeatedly stressed the importance of U.S.-Saudi relations. “War in Yemen, the senseless killing of Jamal Khashoggi, rifts in the Gulf alliance, alleged abuses of innocent people to include an American citizen and female activists all present immediate challenges,” he told the Senate Foreign Relations Committee. “Yet in the long run, we need a strong and mature partnership with Saudi Arabia.”

“We’ll Soon Learn Whether You Can Post 3D-Gun Plans Online”, Supporters argue the change keeps control of military-grade weapons at the State Department while moving widely available commercial weapons, like semi-automatic pistols, assault-style rifles, sniper rifles and ammunition, to a more natural home at the Commerce Department. The Defense Department and the State Department “will remain active” in vetting and approving exports, the Commerce Department said in its fact sheet, claiming that “foreign manufacturers will enjoy a greater opportunity to source from small U.S. companies.”

“Why Piracy Persists In Nigeria’s Maritime Sector — Navy”, The Head, Maritime Guard Command of the Nigerian Maritime Administration and Safety Agency (NIMASA), Navy Capt. Yahuza Badamosi has revealed that delay in passage of the Piracy Bill and the slow judicial process in the country are major reasons piracy attacks persists on Nigerian waterways.

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**Matthew Marquis**

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## Message

**From:** Marquis, Matthew R [MarquisMR@state.gov]  
**Sent:** 3/8/2019 8:18:29 PM  
**To:** PM-DTCP-Tasking-DL [PM-DTCP-Tasking-DL@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**Subject:** CPA Media Monitoring: Office of Senator Menendez: Menendez Urges Twitter to Take Down Links to 3D Printable Gun Blueprints



**Menendez Urges Twitter to Take Down Links to 3D Printable Gun Blueprints**  
**By The Office of Senator Menendez**  
**7 March 2019**

WASHINGTON, D.C. – **U.S. Senator Bob Menendez (D-N.J.)**, Ranking Member of the Senate Foreign Relations Committee, today called on Twitter to block users from publicizing links to downloadable blueprints for 3D-printed firearms. In August, a federal judge blocked the Administration’s decision to allow Internet distribution of downloadable files for 3D-printed guns until the matter is resolved in court.

*“3-D printed lethal weaponry pose a unique risk to the public as they cannot easily or reliably be detected by metal detectors at airports, schools, governmental or other facilities. At a time when the firearm death rate is at an historic high, I do not believe one of the country’s most prominent tech companies should be facilitating access to these deadly weapons,”* **Senator Menendez wrote in a letter to Twitter CEO, Jack Dorsey.** *“I ask that you take immediate steps to remove such links, as well as the ability to directly message these links from your platform.”*

The Administration recently announced that it had pushed to weaken regulation of foreign arms sales—including technical information and blueprints of 3D printable guns and the export of semi-automatic pistols, assault-style rifles, sniper rifles and ammunition from the United States Munition List—by taking steps to transfer control of their export from authority of the Department of State to the Department of Commerce.

*“These moves are designed to strangle Congressional oversight and make it easier for anyone, anywhere in the world, to craft a dangerous and undetectable homemade gun,”* **added the Senator.**

The Senator asked Twitter to explain what it’s specifically doing to ensure that users aren’t using its social media platform for unlawful purposes.

The full text of the letter is available [here](#) and below.

*Dear Mr. Dorsey,*

*I write to express concern regarding Twitter’s decision to allow its users to publicize links to downloadable blueprints for 3D-printed firearms. I ask that you take immediate steps to remove such links, as well as the ability to directly message these links from your platform. As you may know, in June 2018, the Department of State suddenly settled a years-long lawsuit brought by gun activist Cody Wilson that began after the federal government blocked his company’s website, Defense Distributed, for posting directions for a 3-D plastic printable pistol, citing international export law.[1] Several states sued, and in August 2018 federal judge in Washington state blocked the Administration’s decision to legalize distribution of downloadable files for 3D-printed guns until the matter is resolved in court.[2] 3D-printed lethal weaponry pose a unique risk to the*



*public as they cannot easily or reliably be detected by metal detectors at airports, schools, governmental or other facilities. At a time when firearm death rate is at a historic high [3], I do not believe one of the country's most prominent tech companies should be facilitating access to these deadly weapons.*

*In January 2019, the Trump Administration announced that it had taken steps to transfer control of the export of semi-automatic pistols, assault-style rifles, sniper rifles and ammunition from the United States Munition List under the authority of the Department of State to the less-stringent controls of the Department of Commerce.[4] It would also transfer the control of the technical information and blueprints for 3D printing of nearly undetectable firearms to Commerce, where the lax regulations will facilitate the Internet publication worldwide.[5] These moves are designed to strangle Congressional oversight and make it easier for anyone, anywhere in the world, to craft a dangerous and undetectable homemade gun.*

*On February 22, 2019 the user @IvanTheTroll12 tweeted his plans to release blueprints for a 3D-printed AR-15 firearm.[6] The following day, @IvanTheTroll12 tweeted a direct download link to a website whereby anyone is free to download the blueprints.[7] Given the court order in effect, if foreign users are able to access the website and the blueprints, the publication of these blueprints violates the law. I urge you to take immediate action to remove the publication of the links. In addition, I would like to know what Twitter is doing to ensure that other users do not use your platform for such nefarious and potentially unlawful actions in the future. Thank you in advance for your cooperation and I look forward to your timely response.*

*Sincerely,*

*###*

Link: <https://www.menendez.senate.gov/news-and-events/press/menendez-urges-twitter-to-take-down-links-to-3d-printable-gun-blueprints-/?s>

---

**Matthew Marquis**

Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

Phone: 202.647.6968

e-mail: [MarquisMR@state.gov](mailto:MarquisMR@state.gov) | Web: [www.state.gov/t/pm](http://www.state.gov/t/pm) / |Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

Stay connected with *State.gov*:



**Official**

UNCLASSIFIED



Message

**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/8/2019 9:56:41 PM  
**To:** Kovar, Jeffrey D [KovarJD@state.gov]  
**CC:** Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** FW: Lookaheads

Jeff,  
This is a little late - apologies.  
Christine

**Official**  
**UNCLASSIFIED**

---

**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Friday, March 8, 2019 8:57 AM  
**To:** Legal-PM-DL <Legal-PM-DL@state.gov>  
**Subject:** FW: Lookaheads

Hi – please send me your blurbs by 2pm. Thanks - jEff

---

**From:** Nightingale, Robert L <NightingaleRL@state.gov>  
**Sent:** Friday, March 8, 2019 8:11 AM  
**To:** Legal-ALAs-DL <Legal-ALAs-DL@state.gov>  
**Subject:** Lookaheads

Happy Friday! Reminder to send in your lookaheads by COB today.



Message

---

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/8/2019 10:53:48 PM  
**To:** Nightingale, Robert L [NightingaleRL@state.gov]  
**CC:** Legal-PM-DL [Legal-PM-DL@state.gov]  
**Subject:** L/PM Weekly

[REDACTED]

**(SBU) ITAR Revision to Categories I-III (firearms):** We are continuing to support the Department's consideration of whether and when to proceed with publication of a final rule revising USML Categories I-III, which currently control 3D printed guns and associated technical data. [REDACTED]

[REDACTED]

[REDACTED]

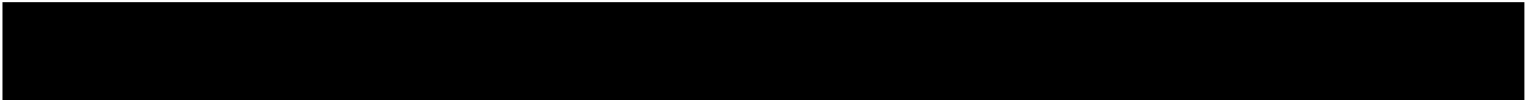
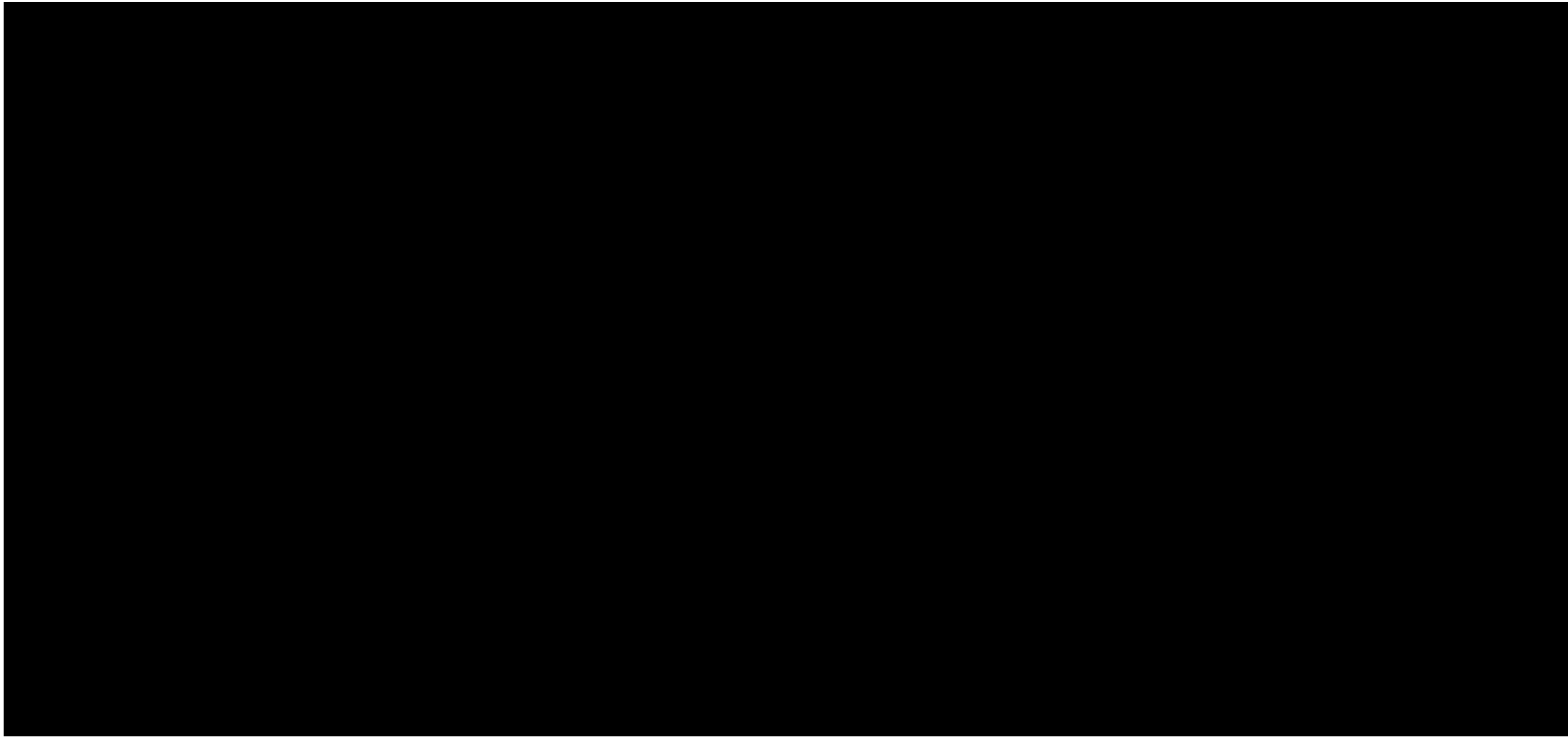


Message

---

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/10/2019 6:14:58 PM  
**To:** Minarich, Christine M [MinarichCM@state.gov]; Rogers, Shana A [RogersSA2@state.gov]; Gahan, Kimberly A [GahanKA@state.gov]  
**Subject:** FW: ECRA  
**Attachments:** 2019 ECRA authority 0310.docx

Official - SBU  
UNCLASSIFIED





Message

---

**From:** Nightingale, Robert L [NightingaleRL@state.gov]  
**Sent:** 3/10/2019 11:49:38 PM  
**To:** Legal-All-Employees-DL [Legal-All-Employees-DL@state.gov]  
**Subject:** Lookaheads - March 11, 2019  
**Attachments:** L Weekly Lookaheads - Mar 11 2019.docx

Hi all,

Happy end of the weekend. This week's lookaheads are attached. Note that this edition includes a multimedia lookahead, courtesy of L/OES, which I highly recommend.

Best,  
Robby

**Official**  
UNCLASSIFIED



SENSITIVE BUT UNCLASSIFIED

**L Weekly Lookaheads**  
**March 11, 2019**

[ TOC \o "1-3" \h \z \u ]

SENSITIVE BUT UNCLASSIFIED  
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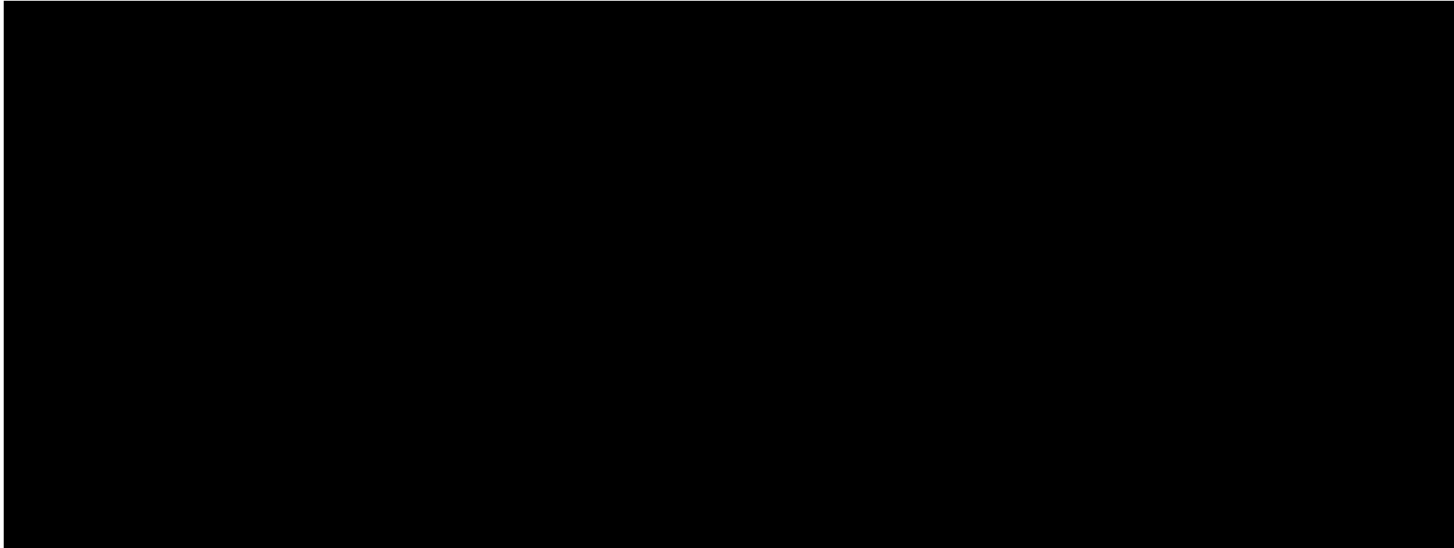




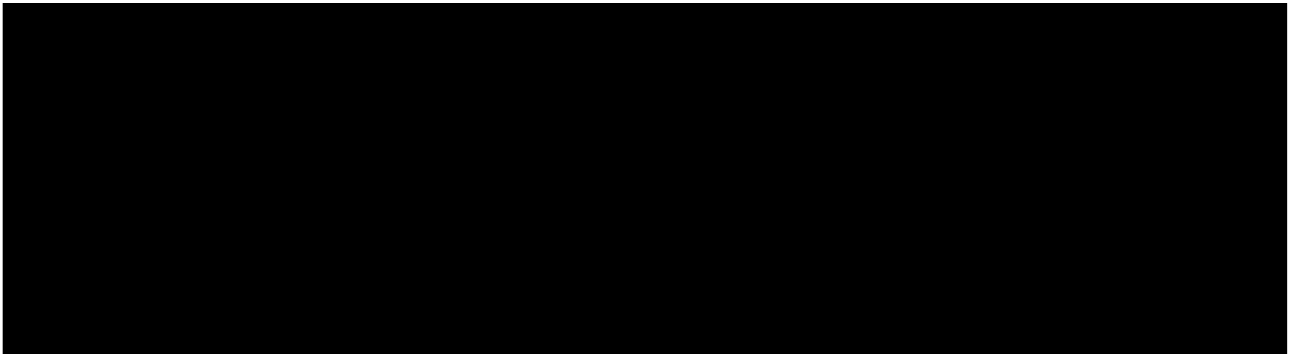
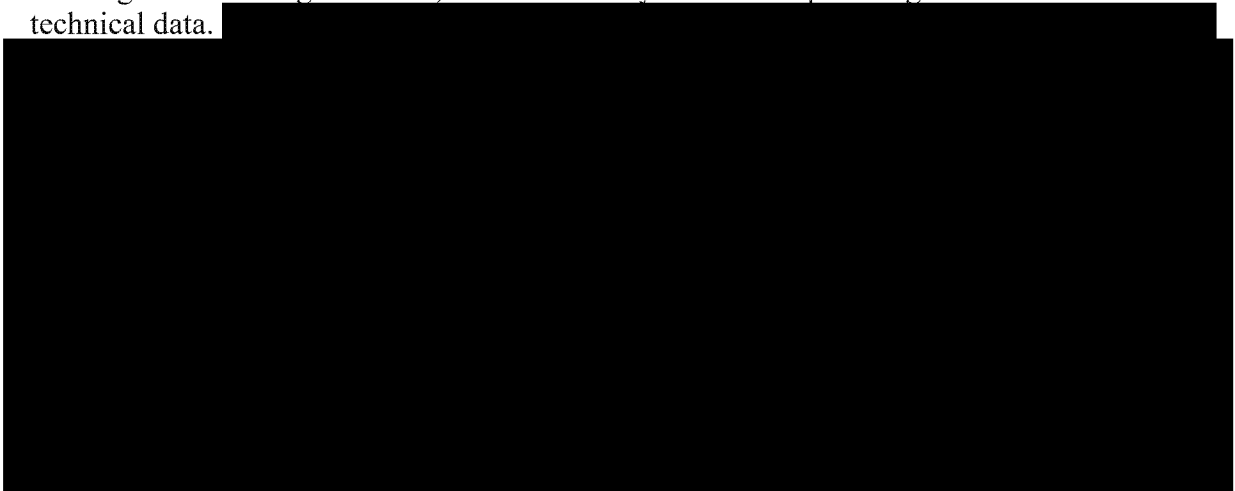


SENSITIVE BUT UNCLASSIFIED

**L/PM**



4. **(SBU) ITAR Revision to Categories I-III (firearms):** We are continuing to support the Department's consideration of whether and when to proceed with publication of a final rule revising USML Categories I-III, which currently control 3D printed guns and associated technical data.



SENSITIVE BUT UNCLASSIFIED

- [ PAGE \\* MERGEFORMAT ] -



SENSITIVE BUT UNCLASSIFIED

L/UNA

1.

2.

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SENSITIVE BUT UNCLASSIFIED  
- [ PAGE \\* MERGEFORMAT ] -



Message

---

**From:** String, Marik A [StringMA@state.gov]  
**Sent:** 3/11/2019 3:35:18 PM  
**To:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]  
**Subject:** background

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

Here is material for the talking points.





Message

---

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/11/2019 7:18:02 PM  
**To:** PM-Directors [PM-Directors@state.gov]; PM-Deputy-Directors [PM-Deputy-Directors@state.gov]  
**CC:** PM-DAS's [PM-DASs@state.gov]; PM-CPA [PM-CPA@state.gov]  
**Subject:** Pending PM Briefings  
**Attachments:** Upcoming PM Briefings.docx

Dear all,

At RSAT's request, attaching a list of currently scheduled or anticipated briefings to the Hill in which PM is playing a role; this is a moving target that has changed at least three times since I started to put it together this morning, so apologies for any surprises, thanks for your continued assistance, and please let me know if you're aware of any additions.

Josh

---

**Josh Paul**

Director, Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] | 📠 Fax: 202.647.4055  
✉ e-mail: [PaulJM@State.Gov](mailto:PaulJM@State.Gov) | 🌐 Web: [www.state.gov/t/pm/](http://www.state.gov/t/pm/)

🐦 <http://twitter.com/StateDeptPM>

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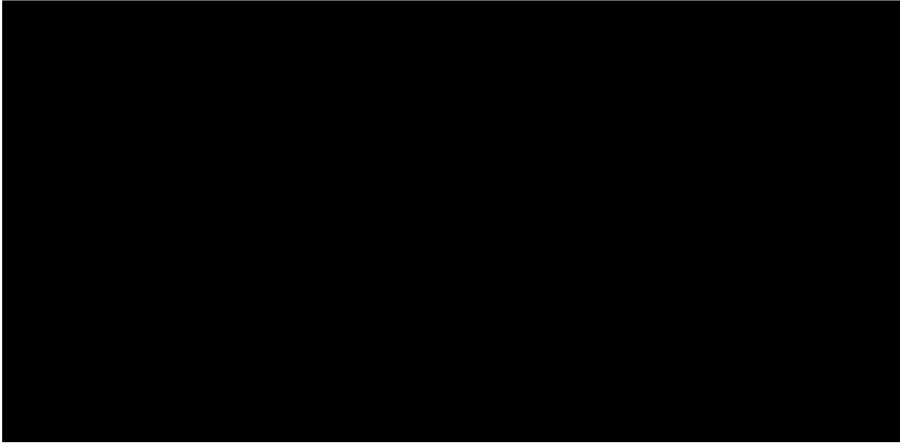


This message is UNCLASSIFIED, per E.O. 12958

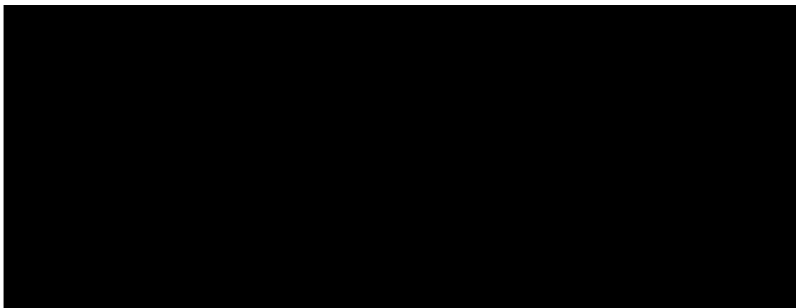


Upcoming PM Briefings  
Current as of 3/11/19, 3pm

**Scheduled**



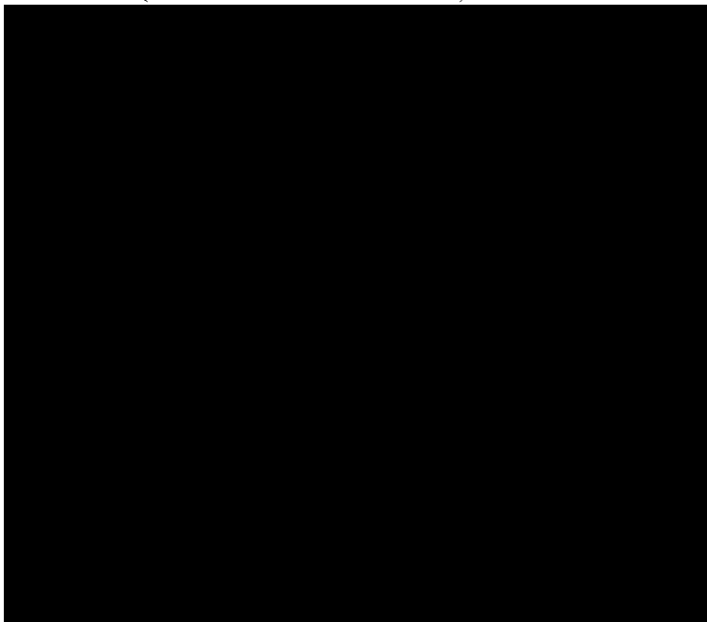
**Pending**



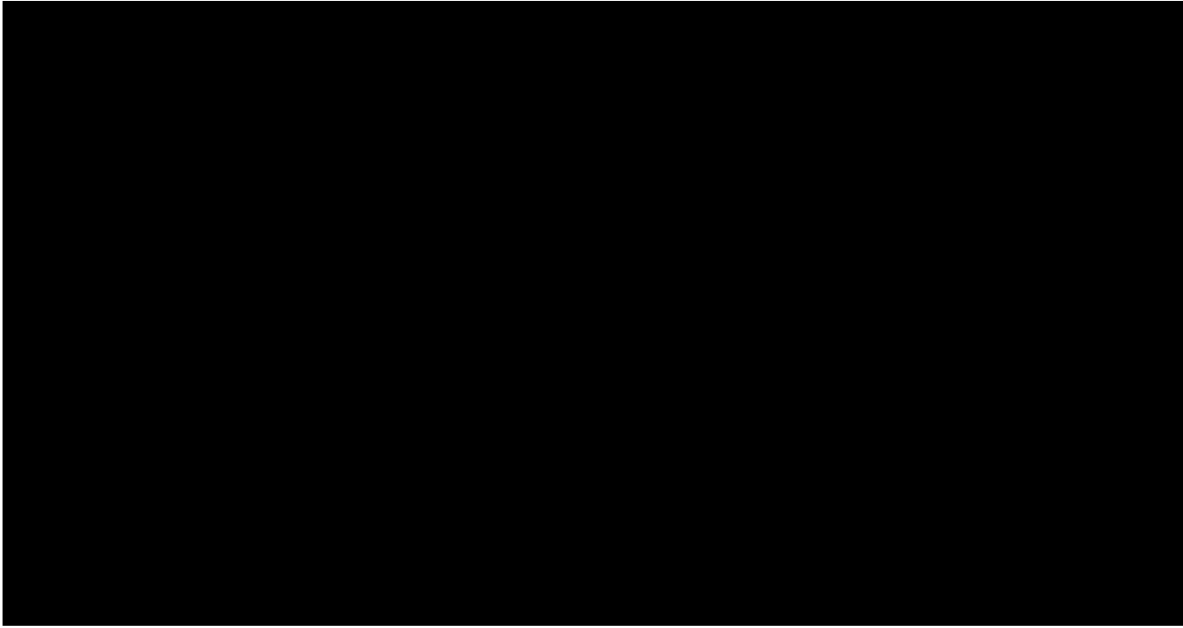
Cats 1-3 – HASC & HFAC

TBD

DTCP (iso/DTSA & Commerce)









Message

---

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/12/2019 5:07:39 PM  
**To:** String, Marik A [StringMA@state.gov]  
**CC:** Miller, Michael F [Millermf@state.gov]  
**Subject:** Information Memo for S on rules  
**Attachments:** Information Memo (Note) (002).docx

**DRAFT—DELIBERATIVE PROCESS**

Marik-

Mike suggested that I run this draft by you first to make sure it addresses the issues that we need to address.

Sarah



Message

---

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/12/2019 7:18:24 PM  
**To:** Rogers, Shana A [RogersSA2@state.gov]; Minarich, Christine M [MinarichCM@state.gov]  
**CC:** Dorosin, Joshua L [DorosinJL@state.gov]  
**Subject:** Fw: For your review and clearance: due 10am tomorrow  
**Attachments:** Information Memo to S on firearms rules DRAFT.docx

**Importance:** High

Please take a look and then I will.

Sent from my BlackBerry 10 smartphone.

---

**From:** Heidema, Sarah J <HeidemaSJ@state.gov>  
**Sent:** Tuesday, March 12, 2019 3:07 PM  
**To:** Rogers, Shana A; Kovar, Jeffrey D; Tucker, Maureen E; Carter, Melanie R; Urena, Michael A; Abisellan, Eduardo; Miller, Michael F; Donnelly, Colleen G; Paul, Joshua M  
**Cc:** Dorosin, Joshua L; String, Marik A; Shufflebarger, Jamie  
**Subject:** For your review and clearance: due 10am tomorrow

Attached, for your review and clearance by **10am tomorrow** is an info memo to S on a delay in the firearms rules [REDACTED]  
[REDACTED]. Request your clearance by 10am tomorrow. We are requesting a quick turn-around  
[REDACTED]  
[REDACTED]



Message

---

**From:** Sundlof, Meredith [SundlofM@state.gov]  
**Sent:** 3/12/2019 8:49:11 PM  
**To:** Hart, Robert L [HartRL@state.gov]  
**Subject:** RE: Has the formal 38(f) been submitted for the Cat I-III rule?

thanks

**Official**  
**UNCLASSIFIED**

---

**From:** Hart, Robert L <HartRL@state.gov>  
**Sent:** Tuesday, March 12, 2019 4:12 PM  
**To:** Sundlof, Meredith <SundlofM@state.gov>  
**Subject:** Fwd: Has the formal 38(f) been submitted for the Cat I-III rule?

FYSA

Rob Hart  
202.736.9221 | [hartrl@state.gov](mailto:hartrl@state.gov)

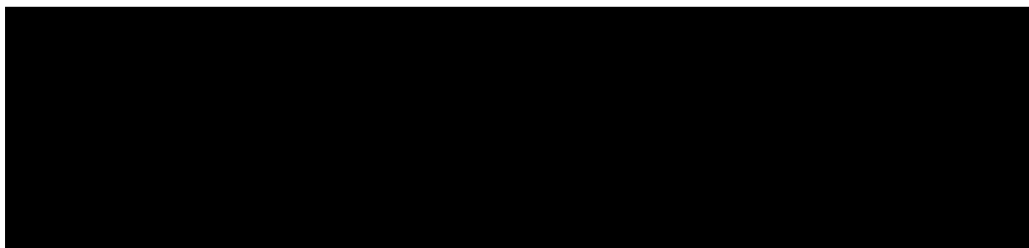
---

**From:** Heidema, Sarah J  
**Sent:** Monday, February 4, 2019 11:50:16 AM  
**To:** Timothy Mooney; Monjay, Robert; Hart, Robert L; Paul, Joshua M  
**Cc:** Abraham, Liz; Clagett, Steven; Kimberly Ekmark; Lopes, Alexander; Matthew Borman; Richard Ashooh; Hillary Hess; Karen NiesVogel  
**Subject:** RE: Has the formal 38(f) been submitted for the Cat I-III rule?

It just left the building and will be delivered to the Hill by our courier shortly. Big day. Thanks all for your work on this!

---

**From:** Timothy Mooney <[Timothy.Mooney@bis.doc.gov](mailto:Timothy.Mooney@bis.doc.gov)>  
**Sent:** Monday, February 4, 2019 8:45 AM  
**To:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Monjay, Robert <[MonjayR@state.gov](mailto:MonjayR@state.gov)>; Hart, Robert L <[HartRL@state.gov](mailto:HartRL@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>  
**Cc:** Abraham, Liz <[LABraham@doc.gov](mailto:LABraham@doc.gov)>; Clagett, Steven <[steven.clagett@bis.doc.gov](mailto:steven.clagett@bis.doc.gov)>; Kimberly Ekmark <[Kimberly.Ekmark@bis.doc.gov](mailto:Kimberly.Ekmark@bis.doc.gov)>; Lopes, Alexander <[alexander.lopes@bis.doc.gov](mailto:alexander.lopes@bis.doc.gov)>; Matthew Borman <[Matthew.Borman@bis.doc.gov](mailto:Matthew.Borman@bis.doc.gov)>; Richard Ashooh <[Richard.Ashooh@bis.doc.gov](mailto:Richard.Ashooh@bis.doc.gov)>; Hillary Hess <[Hillary.Hess@bis.doc.gov](mailto:Hillary.Hess@bis.doc.gov)>; Karen NiesVogel <[Karen.NiesVogel@bis.doc.gov](mailto:Karen.NiesVogel@bis.doc.gov)>  
**Subject:** Has the formal 38(f) been submitted for the Cat I-III rule?





## Message

**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/13/2019 1:46:58 PM  
**To:** Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** FW: For your review and clearance: due 10am tomorrow  
**Attachments:** Information Memo to S on firearms rules DRAFT (002).docx

Just realized you weren't copied on this.

**Official - SBU (Attorney Work Product, Deliberative Process)**

UNCLASSIFIED

---

**From:** Minarich, Christine M  
**Sent:** Wednesday, March 13, 2019 9:46 AM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Carter, Melanie R <CarterMR@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>  
**Cc:** String, Marik A <StringMA@state.gov>; Tucker, Maureen E <TuckerME@state.gov>; Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: For your review and clearance: due 10am tomorrow

All,  
 Attached please find a revised draft that includes proposed revisions from several members of L, including Josh. Christine

**Official - SBU (Attorney Work Product, Deliberative Process)**

UNCLASSIFIED

---

**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Wednesday, March 13, 2019 9:38 AM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>; Rogers, Shana A <RogersSA2@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Carter, Melanie R <CarterMR@state.gov>; Urena, Michael A <UrenaMA@state.gov>; Abisellan, Eduardo <AbisellanE@state.gov>  
**Cc:** String, Marik A <StringMA@state.gov>; Tucker, Maureen E <TuckerME@state.gov>; Miller, Michael F <MillerMF@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Subject:** Re: For your review and clearance: due 10am tomorrow

+ Christine, who is working this with Josh.

Sent from my BlackBerry 10 smartphone.

---

**From:** Heidema, Sarah J  
**Sent:** Wednesday, March 13, 2019 9:12 AM  
**To:** Rogers, Shana A; Dorosin, Joshua L; Kovar, Jeffrey D; Carter, Melanie R; Urena, Michael A; Abisellan, Eduardo  
**Cc:** String, Marik A; Tucker, Maureen E; Miller, Michael F  
**Subject:** RE: For your review and clearance: due 10am tomorrow

Good morning. I am still waiting on L, P, and S/P clearances on the attached. T staff want to review and clear with T ASAP but before this afternoon (when she departs) so I really do need your clearance on this within the hour. The attached version is where it currently stands. As a reminder, this cannot be more than 2 pages.

Thank you,



Sarah Heidema  
Director  
Office of Defense Trade Controls Policy  
Directorate of Defense Trade Controls  
Department of State  
202-663-2809

---

**From:** Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>

**Sent:** Tuesday, March 12, 2019 3:07 PM

**To:** Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>; Tucker, Maureen E <[TuckerME@state.gov](mailto:TuckerME@state.gov)>; Carter, Melanie R <[CarterMR@state.gov](mailto:CarterMR@state.gov)>; Urena, Michael A <[UrenaMA@state.gov](mailto:UrenaMA@state.gov)>; Abisellan, Eduardo <[AbisellanE@state.gov](mailto:AbisellanE@state.gov)>; Miller, Michael F <[MillerMF@state.gov](mailto:MillerMF@state.gov)>; Donnelly, Colleen G <[DonnellyCG@state.gov](mailto:DonnellyCG@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>

**Cc:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>; Shufflebarger, Jamie <[ShufflebargerJ@state.gov](mailto:ShufflebargerJ@state.gov)>

**Subject:** For your review and clearance: due 10am tomorrow

**Importance:** High

Attached, for your review and clearance by **10am tomorrow** is an info memo to S on a delay in the firearms rules [REDACTED]

[REDACTED] Request your clearance by 10am tomorrow. We are requesting a quick turn-around [REDACTED]



Message

---

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/13/2019 2:51:40 PM  
**To:** PM-Staffers Mailbox [PM-StaffersMailbox@state.gov]  
**CC:** String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**Subject:** Information Memo to S on firearms  
**Attachments:** Information Memo to S on firearms rules DRAFT (003).docx

Attached please find the cleared memo to S requested by DAS String. T staff has said she want to see the final before she leaves for the end of the day, so I'll leave it to you to do your magic.

Thanks,

Sarah



Message

---

**From:** String, Marik A [StringMA@state.gov]  
**Sent:** 3/13/2019 4:27:34 PM  
**To:** Heidema, Sarah J [HeidemaSJ@state.gov]; Paul, Joshua M [PaulJM@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]  
**Subject:** Information Memo to S on firearms rules DRAFT  
**Attachments:** Information Memo to S on firearms rules DRAFT.docx

I made several edits to the IM and shortened it a bit. Could you give it another close read for typos/substance?  
Thanks,  
Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**  
**UNCLASSIFIED**



Message

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/13/2019 4:36:33 PM  
**To:** String, Marik A [StringMA@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]  
**Subject:** RE: Information Memo to S on firearms rules DRAFT  
**Attachments:** Information Memo to S on firearms rules DRAFT.docx

Please see attached suggestions. [REDACTED]

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Wednesday, March 13, 2019 12:28 PM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** Information Memo to S on firearms rules DRAFT

I made several edits to the IM and shortened it a bit. Could you give it another close read for typos/substance?  
Thanks,  
Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**  
**UNCLASSIFIED**



Message

---

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/13/2019 4:56:20 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]; String, Marik A [StringMA@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]  
**Subject:** RE: Information Memo to S on firearms rules DRAFT  
**Attachments:** Information Memo to S on firearms rules DRAFT (006).docx

A couple of edits in the attached

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Wednesday, March 13, 2019 12:37 PM  
**To:** String, Marik A <StringMA@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Information Memo to S on firearms rules DRAFT

Please see attached suggestions. [REDACTED]

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Wednesday, March 13, 2019 12:28 PM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** Information Memo to S on firearms rules DRAFT

I made several edits to the IM and shortened it a bit. Could you give it another close read for typos/substance?

Thanks,  
Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

---

**Official - SBU**  
**UNCLASSIFIED**



Message

**From:** Jost, Aaron W [JostAW@state.gov]  
**Sent:** 3/14/2019 1:59:10 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]; Cressey, Laura E [CresseyLE@state.gov]; Christensen, Brent T [ChristensenBT@state.gov]  
**Subject:** FW: PM Hill Priorities  
**Attachments:** PM Priorities (03-13-19).docx

Thanks, and agree that it looks good. [REDACTED]

Regards,  
Aaron

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Thursday, March 14, 2019 9:55 AM  
**To:** Jost, Aaron W <JostAW@state.gov>  
**Subject:** FW: PM Hill Priorities

---

**From:** Paul, Joshua M  
**Sent:** Thursday, March 14, 2019 8:46 AM  
**To:** PM-DAS's <PM-DASs@state.gov>  
**Cc:** PM-CPA <PM-CPA@state.gov>  
**Subject:** FW: PM Hill Priorities

A/S Taylor (H) has asked Tamara for a list of PM priorities; my initial edits on top of Tamara's good first draft are attached. Welcome any further thoughts this morning.

---

**From:** Darrach, Tamara A <DarrachTA@state.gov>  
**Sent:** Thursday, March 14, 2019 8:20 AM  
**To:** Paul, Joshua M <PaulJM@state.gov>  
**Subject:** PM Hill Priorities

Hi Josh,

Take a look and let me know what you think. I wanted to keep it to a page with the most important items in order not overwhelm her with information. [REDACTED]

[REDACTED] I welcome any thoughts you might have as well.

Thanks!  
Tamara

Official - Transitory  
UNCLASSIFIED



Message

---

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/15/2019 7:46:51 PM  
**To:** PM-DTCP-Tasking-DL [PM-DTCP-Tasking-DL@state.gov]; Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; String, Marik A [StringMA@state.gov]  
**CC:** Brown, Stanley L [BrownSL@state.gov]; Windecker, Melissa A [WindeckerMA@state.gov]; PM-CPA [PM-CPA@state.gov]  
**Subject:** FW: HFAC hearing on Cats I-III licensing shift

FYSA – believe it will be Wolf, Keane, and one NGO rep (possibly Jeff Abramson), but will confirm once Ed sends [REDACTED]

[REDACTED]

Josh

---

**From:** Rice, Edmund <Edmund.Rice@mail.house.gov>  
**Sent:** Friday, March 15, 2019 3:42 PM  
**To:** Paul, Joshua M <PaulJM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
**Subject:** HFAC hearing on Cats I-III licensing shift

Josh, Tamara:

Heads up that HFAC will hold a hearing on March 26 on the proposed shift in export licensing for USML Cats I-III. All private sector witnesses. In our Oversight & Investigations Subcommittee. Witness list to be released early next week.

Ed

Edmund B. Rice  
Senior Professional Staff Member  
House Foreign Affairs Committee  
2170 Rayburn House Office Bldg.  
202-225-5021



Message


---

**From:** Morrison, Timothy A. EOP/NSC [Timothy.A.Morrison@nsc.eop.gov]  
**Sent:** 3/15/2019 10:55:02 PM  
**To:** Nazak.Nikakhtar@bis.doc.gov; Marik String [StringMA@state.gov]  
**CC:** Tully, Ryan M. EOP/NSC [Ryan.M.Tully@nsc.eop.gov]; Biery, Meghan N. EOP/NSC [Meghan.N.Biery@nsc.eop.gov]  
**Subject:** Fwd: HFAC hearing on Cats I-III licensing

Sent from my iPhone

Begin forwarded message:

**From:** "Bulgrin, Julie K. EOP/NSC" <Julie.K.Bulgrin@nsc.eop.gov>  
**Date:** March 15, 2019 at 4:17:06 PM EDT  
**To:** "Morrison, Timothy A. EOP/NSC" <Timothy.A.Morrison@nsc.eop.gov>, "Tully, Ryan M. EOP/NSC" <Ryan.M.Tully@nsc.eop.gov>, "Biery, Meghan N. EOP/NSC" <Meghan.N.Biery@nsc.eop.gov>  
**Subject:** FW: HFAC hearing on Cats I-III licensing



---

**From:** Faulkner, Charles S <FaulknerCS@state.gov>  
**Sent:** Friday, March 15, 2019 4:06 PM  
**To:** Bulgrin, Julie K. EOP/NSC <Julie.K.Bulgrin@nsc.eop.gov>  
**Subject:** FW: HFAC hearing on Cats I-III licensing

---

**From:** Darrach, Tamara A <DarrachTA@state.gov>  
**Sent:** Friday, March 15, 2019 3:49 PM  
**To:** Faulkner, Charles S <FaulknerCS@state.gov>  
**Cc:** Moore, Jessica L <MooreJL2@state.gov>; Donnelly, Colleen G <DonnellyCG@state.gov>; DAgostino, Anthony <DAgostinoA@state.gov>  
**Subject:** FW: HFAC hearing on Cats I-III licensing

Charles — Just an FYI — The hearing is set for 3/26 and HFAC is only inviting private sector witnesses.

**Official - Transitory**  
UNCLASSIFIED

---

**From:** Rice, Edmund <Edmund.Rice@mail.house.gov>  
**Sent:** Friday, March 15, 2019 3:42 PM  
**To:** Paul, Joshua M <PaulJM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
**Subject:** HFAC hearing on Cats I-III licensing shift

Josh, Tamara:

Heads up that HFAC will hold a hearing on March 26 on the proposed shift in export licensing for USML Cats I-III. All private sector witnesses. In our Oversight & Investigations Subcommittee. Witness list to be released early next week.



Ed

Edmund B. Rice  
Senior Professional Staff Member  
House Foreign Affairs Committee  
2170 Rayburn House Office Bldg.  
202-225-5021



Message

---

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/18/2019 2:08:04 PM  
**To:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** Touch Base

Hi Sarah,

Are you in today, and if so can we touch base on the Cats 1-3 talking points?

Josh

---

**Josh Paul**

Director, Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] 📠 Fax: 202.647.4055

✉ e-mail: [PaulJM@State.Gov](mailto:PaulJM@State.Gov) | 🌐 Web: [www.state.gov/t/pm/](http://www.state.gov/t/pm/)

🐦 <http://twitter.com/StateDeptPM>

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Message

---

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/18/2019 3:03:53 PM  
**To:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** First draft  
**Attachments:** 0318 CATS I-III TPs.DOCX

What do you think?

[REDACTED]

Sensitive but Unclassified/Deliberative Process/Pre-decisional

---

**Josh Paul**

Director, Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] | 📠 Fax: 202.647.4055

✉ e-mail: [Paul.JM@State.Gov](mailto:Paul.JM@State.Gov) | 🌐 Web: [www.state.gov/t/pm/](http://www.state.gov/t/pm/)

🐦 <http://twitter.com/StateDeptPM>

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Message

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**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/18/2019 4:04:58 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]  
**Subject:** 0318 CATS I-III TPs  
**Attachments:** 0318 CATS I-III TPs.DOCX

My thoughts



Message

**From:** McNerney, Patricia X [McNerneyPX@state.gov]  
**Sent:** 3/18/2019 4:05:21 PM  
**To:** String, Marik A [StringMA@state.gov]  
**CC:** Agurkis, Julie [AgurkisJ@state.gov]  
**Subject:** RE: Cooper

Thanks Marik - [REDACTED]

Regards, Patti

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Monday, March 18, 2019 11:26 AM  
**To:** McNerney, Patricia X <McNerneyPX@state.gov>  
**Cc:** Agurkis, Julie <AgurkisJ@state.gov>  
**Subject:** RE: Cooper

Patti, below are edits. MET has spoken with Markey's staff recently. I can share more on the rulemaking itself on the phone if you need more detail

[REDACTED]

Marik

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**UNCLASSIFIED**

---

**From:** McNerney, Patricia X <McNerneyPX@state.gov>  
**Sent:** Monday, March 18, 2019 9:34 AM  
**To:** String, Marik A <StringMA@state.gov>



**Cc:** Agurkis, Julie <AgurkisJ@state.gov>

**Subject:** RE: Cooper

Hi Marik –



Regards,

Patti

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Monday, February 25, 2019 6:41 PM  
**To:** Reeser, Tiffany R <ReeserTR@state.gov>  
**Cc:** McNerney, Patricia X <McNerneyPX@state.gov>  
**Subject:** RE: Cooper

Tiffany,  
Re: my previous email, we are discussing the issue with interagency stakeholders tomorrow. We may have further clarity then.

Marik

---

**From:** Reeser, Tiffany R <ReeserTR@state.gov>  
**Sent:** Monday, February 25, 2019 5:24 PM  
**To:** String, Marik A <StringMA@state.gov>  
**Cc:** McNerney, Patricia X <McNerneyPX@state.gov>  
**Subject:** Cooper

Hey Marik,

Just checking in to make sure I didn't miss anything coming in so far.

Thanks!  
Tiffany



**Tiffany R. Reeser**

Bureau of Legislative Affairs (H)

U.S. Department of State

Office: 202-647-3033

[reesertr@state.gov](mailto:reesertr@state.gov)



Message

---

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/18/2019 4:06:51 PM  
**To:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** RE: 0318 CATS I-III TPs

Thanks — I'm fine with this and will share with Marik and Mike; [REDACTED]  
[REDACTED]

---

**From:** Heidema, Sarah J <HeidemaSJ@state.gov>  
**Sent:** Monday, March 18, 2019 12:05 PM  
**To:** Paul, Joshua M <PaulJM@state.gov>  
**Subject:** 0318 CATS I-III TPs

My thoughts



Message

**From:** Dorosin, Joshua L [DorosinJL@state.gov]  
**Sent:** 3/18/2019 5:38:16 PM  
**To:** Minarich, Christine M [MinarichCM@state.gov]; Newstead, Jennifer G [NewsteadJG@state.gov]  
**CC:** Kovar, Jeffrey D [KovarJD@state.gov]; Nightingale, Robert L [NightingaleRL@state.gov]; Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Jennifer — As just discussed, here is an updated version of the points. I'm heading into meetings and have asked Jeff and Christine to field your comments and get these back to Marik. Best, Josh

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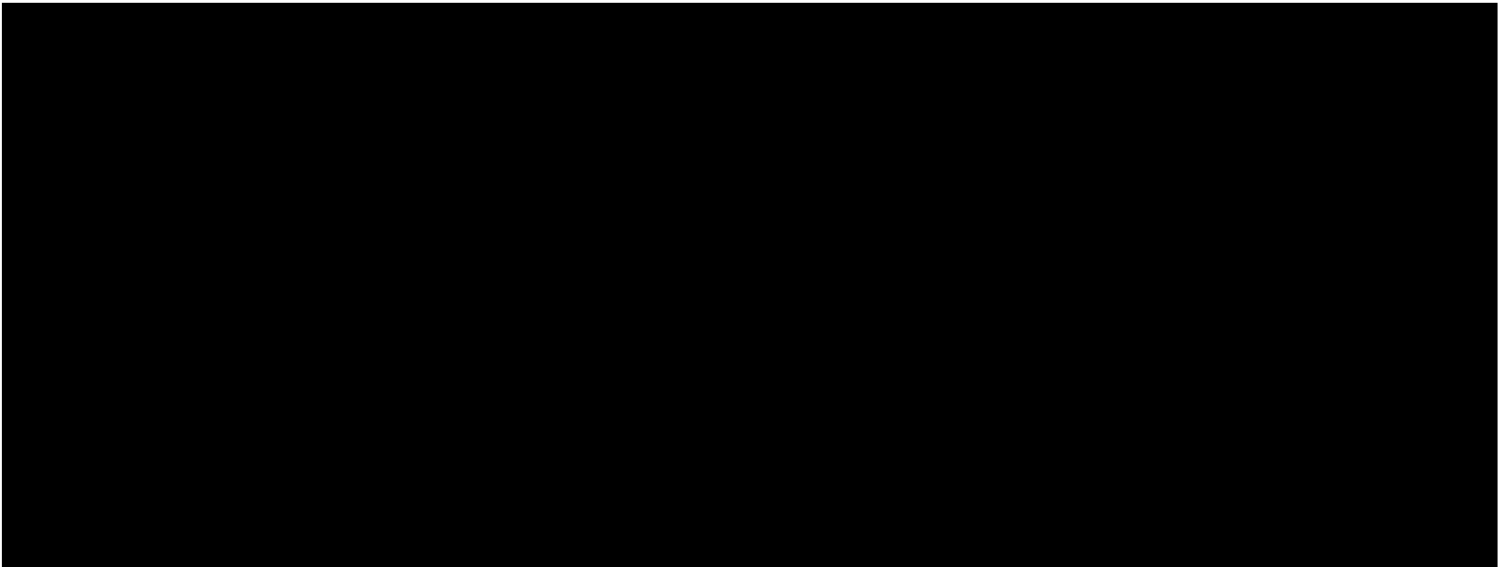
**From:** Minarich, Christine M <MinarichCM@state.gov>  
**Sent:** Monday, March 18, 2019 1:15 PM  
**To:** Newstead, Jennifer G <NewsteadJG@state.gov>  
**Cc:** Dorosin, Joshua L <DorosinJL@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>; Nightingale, Robert L <NightingaleRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** Draft responses to Questions from S re USML Cats I-III

Jennifer,

Josh asked me to send you these draft responses to the Secretary's questions regarding the IM we prepared on the delay in publishing final rules relating to USML Cats I-III.

Christine





Christine Minarich  
Attorney-Adviser (L/PM)  
U.S. Department of State  
(202) 485-1646

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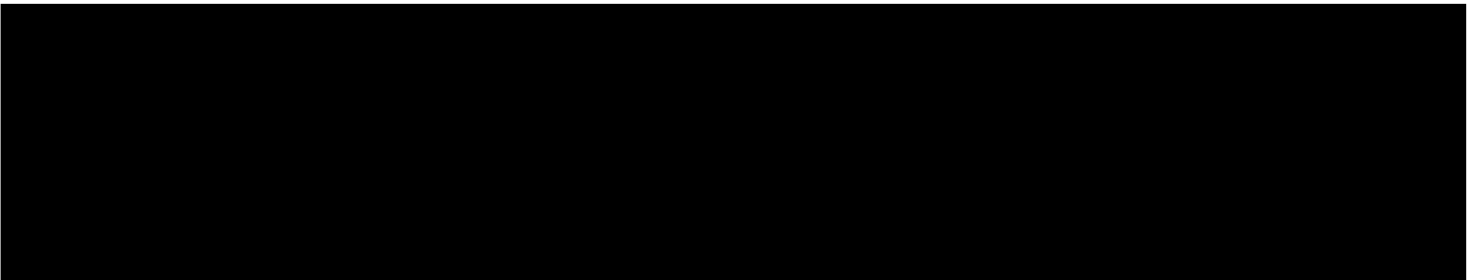


Message

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/18/2019 5:58:40 PM  
**To:** String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**CC:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** Draft Cats 1-3 TPs  
**Attachments:** 0318 CATS I-III TPs.v1.DOCX

Dear Marik,

As requested in this morning's huddle, attached please find draft public talking points (drafted by CPA and cleared by Sarah) in the context of the current situation re. Cats 1-3.



Josh

Sensitive but Unclassified/Deliberative Process/Pre-decisional

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**Josh Paul**

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U.S. Department of State

☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] | 📠 Fax: 202.647.4055

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🐦 <http://twitter.com/StateDeptPM>

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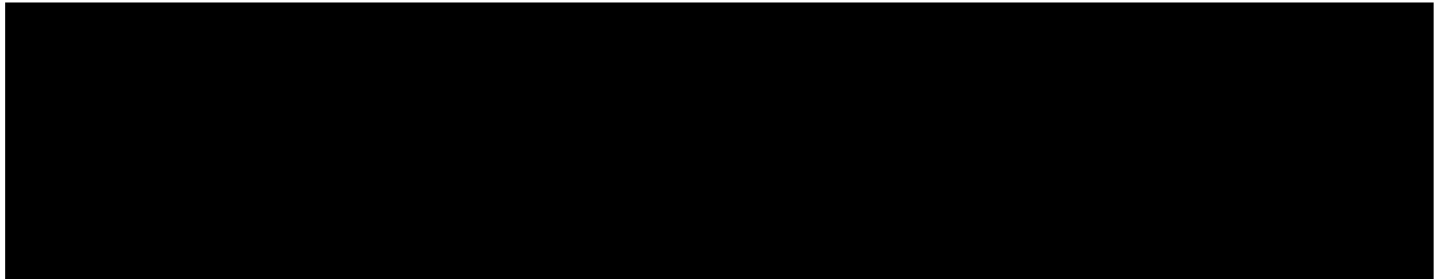
Message

---

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/18/2019 5:58:13 PM  
**To:** String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**CC:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** Draft Cats 1-3 TPs  
**Attachments:** 0318 CATS I-III TPs.v1.DOCX

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☎ Phone: 202.647.7878 | 📠 BlackBerry: [REDACTED] 📠 Fax: 202.647.4055

✉ e-mail: [PaulJM@State.Gov](mailto:PaulJM@State.Gov) | 🌐 Web: [www.state.gov/t/pm/](http://www.state.gov/t/pm/)

🐦 <http://twitter.com/StateDeptPM>

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Message

---

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/18/2019 6:21:52 PM  
**To:** Minarich, Christine M [MinarichCM@state.gov]  
**CC:** Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

---

**From:** Newstead, Jennifer G <NewsteadJG@state.gov>  
**Sent:** Monday, March 18, 2019 2:05 PM  
**To:** Dorosin, Joshua L <DorosinJL@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Kovar, Jeffrey D <KovarJD@state.gov>; Nightingale, Robert L <NightingaleRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

---

**From:** Dorosin, Joshua L <DorosinJL@state.gov>  
**Date:** March 18, 2019 at 1:38:18 PM EDT



**To:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>, Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>  
**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>, Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>, Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

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**Sent:** Monday, March 18, 2019 1:15 PM  
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**Cc:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>; Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>; Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>  
**Subject:** Draft responses to Questions from S re USML Cats I-III

Jennifer,

Josh asked me to send you these draft responses to the Secretary's questions regarding the IM we prepared on the delay in publishing final rules relating to USML Cats I-III.

Christine





Christine Minarich  
Attorney-Adviser (L/PM)  
U.S. Department of State  
(202) 485-1646

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Message

**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/18/2019 6:26:17 PM  
**To:** Kovar, Jeffrey D [KovarJD@state.gov]  
**CC:** Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

A few proposed revisions.

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---

**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Monday, March 18, 2019 2:22 PM  
**To:** Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

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**Sent:** Monday, March 18, 2019 2:05 PM  
**To:** Dorosin, Joshua L <DorosinJL@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Kovar, Jeffrey D <KovarJD@state.gov>; Nightingale, Robert L <NightingaleRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III



**From:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>

**Date:** March 18, 2019 at 1:38:18 PM EDT

**To:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>, Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>, Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>, Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

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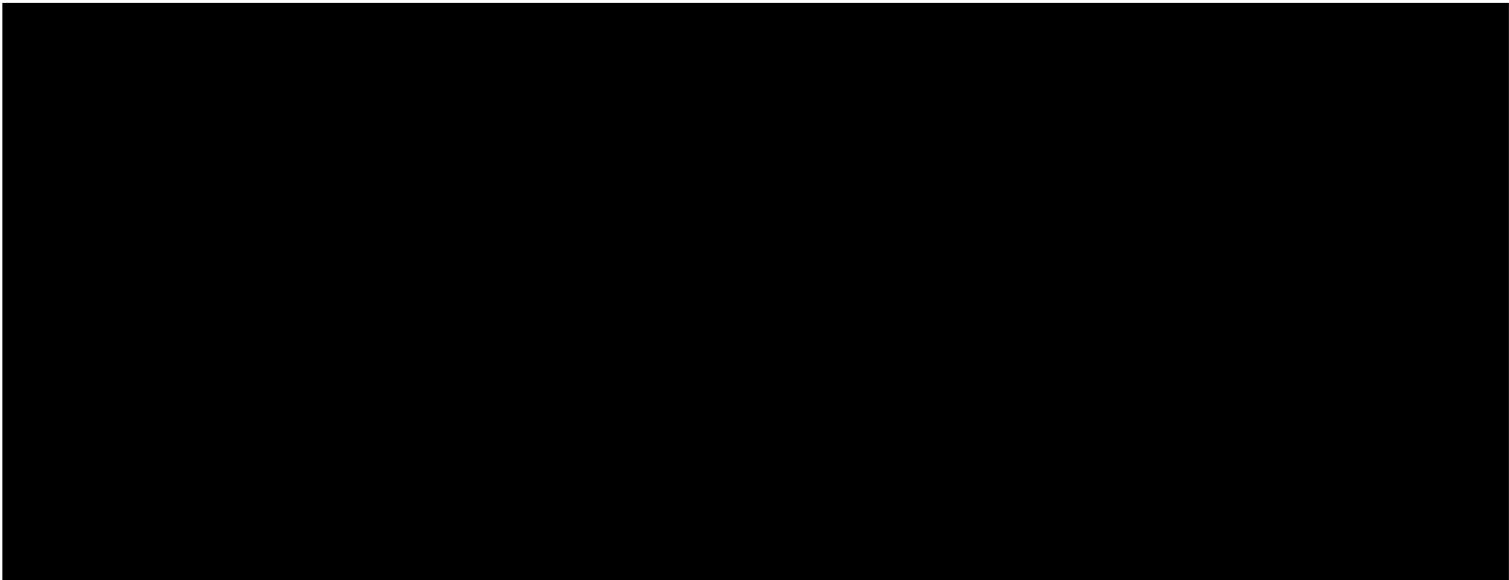
**Subject:** Draft responses to Questions from S re USML Cats I-III



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Message

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/18/2019 6:28:46 PM  
**To:** Minarich, Christine M [MinarichCM@state.gov]  
**CC:** Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

---

**From:** Minarich, Christine M <MinarichCM@state.gov>  
**Sent:** Monday, March 18, 2019 2:26 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III


A few proposed revisions.

**Official**  
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---

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**Sent:** Monday, March 18, 2019 2:22 PM  
**To:** Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III





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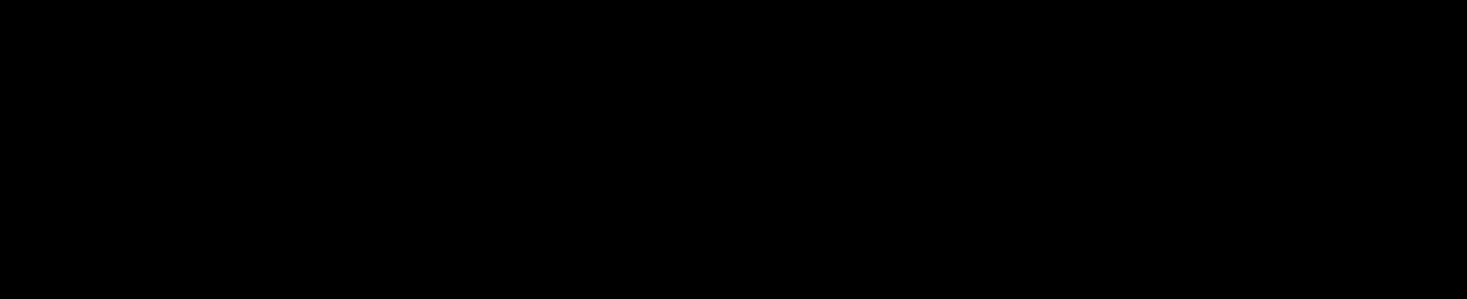
**From:** Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Sent:** Monday, March 18, 2019 2:05 PM

**To:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>

**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>; Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>; Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

**Subject:** RE: Draft responses to Questions from S re USML Cats I-III



---

**From:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>

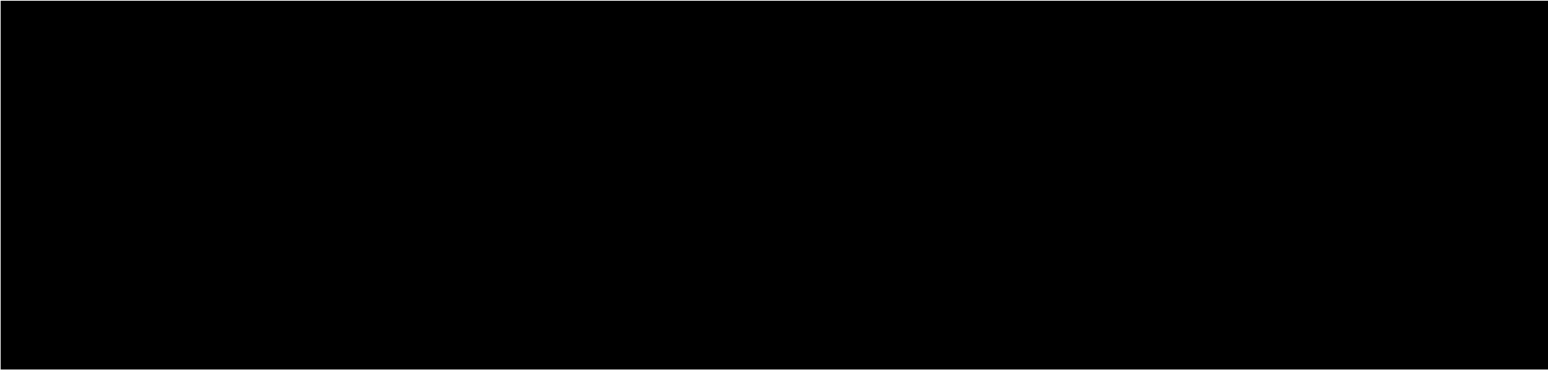
**Date:** March 18, 2019 at 1:38:18 PM EDT

**To:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>, Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>, Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>, Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

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Christine



Christine Minarich  
Attorney-Adviser (L/PM)



U.S. Department of State  
(202) 485-1646

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Message

---

**From:** Rogers, Shana A [RogersSA2@state.gov]  
**Sent:** 3/18/2019 6:29:03 PM  
**To:** Kovar, Jeffrey D [KovarJD@state.gov]; Minarich, Christine M [MinarichCM@state.gov]  
**Subject:** Fw: Draft responses to Questions from S re USML Cats I-III

Sent from my BlackBerry 10 smartphone.

---

**From:** Newstead, Jennifer G <NewsteadJG@state.gov>  
**Sent:** Monday, March 18, 2019 2:05 PM  
**To:** Dorosin, Joshua L; Minarich, Christine M  
**Cc:** Kovar, Jeffrey D; Nightingale, Robert L; Rogers, Shana A  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

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**From:** Dorosin, Joshua L <DorosinJL@state.gov>  
**Date:** March 18, 2019 at 1:38:18 PM EDT  
**To:** Minarich, Christine M <MinarichCM@state.gov>, Newstead, Jennifer G <NewsteadJG@state.gov>  
**Cc:** Kovar, Jeffrey D <KovarJD@state.gov>, Nightingale, Robert L <NightingaleRL@state.gov>, Rogers, Shana A <RogersSA2@state.gov>  
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**Cc:** Dorosin, Joshua L <DorosinJL@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>; Nightingale, Robert L <NightingaleRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>


**Subject:** Draft responses to Questions from S re USML Cats I-III

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Christine





Christine Minarich  
Attorney-Adviser (L/PM)  
U.S. Department of State  
(202) 485-1646

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**UNCLASSIFIED**



Message

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**From:** String, Marik A [StringMA@state.gov]  
**Sent:** 3/18/2019 6:37:25 PM  
**To:** Donnelly, Colleen G [DonnellyCG@state.gov]; Faulkner, Charles S [FaulknerCS@state.gov]; Taylor, Mary Elizabeth [TaylorME3@state.gov]  
**CC:** Miller, Michael F [Millermf@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Paul, Joshua M [PaulJM@state.gov]; Darrach, Tamara A [DarrachTA@state.gov]  
**Subject:** Cats 1-3 points  
**Attachments:** 0318 CATS I-III TPs.v1.DOCX

Attached are some placeholder points [REDACTED]. Let us know if you have any edits; [REDACTED]  
[REDACTED]

Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**  
**UNCLASSIFIED**



Message

---

**From:** Rogers, Shana A [RogersSA2@state.gov]  
**Sent:** 3/18/2019 6:38:12 PM  
**To:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Subject:** Re: Draft responses to Questions from S re USML Cats I-III

[REDACTED] with poor reception

Sent from my BlackBerry 10 smartphone.

---

**From:** Kovar, Jeffrey D  
**Sent:** Monday, March 18, 2019 2:33 PM  
**To:** Minarich, Christine M  
**Cc:** Rogers, Shana A  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Shana — can you call quickly? 202-647-9288

---

**From:** Kovar, Jeffrey D  
**Sent:** Monday, March 18, 2019 2:29 PM  
**To:** Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

---

**From:** Minarich, Christine M <MinarichCM@state.gov>  
**Sent:** Monday, March 18, 2019 2:26 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

A few proposed revisions.



Official  
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---

**From:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>  
**Sent:** Monday, March 18, 2019 2:22 PM  
**To:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>  
**Cc:** Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

---

**From:** Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>  
**Sent:** Monday, March 18, 2019 2:05 PM  
**To:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>  
**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>; Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>; Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

---

**From:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>



**Date:** March 18, 2019 at 1:38:18 PM EDT

**To:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>, Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>, Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>, Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Jennifer – As just discussed, here is an updated version of the points. I'm heading into meetings and have asked Jeff and Christine to field your comments and get these back to Marik. Best, Josh

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UNCLASSIFIED

---

**From:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>

**Sent:** Monday, March 18, 2019 1:15 PM

**To:** Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Cc:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>; Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>; Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

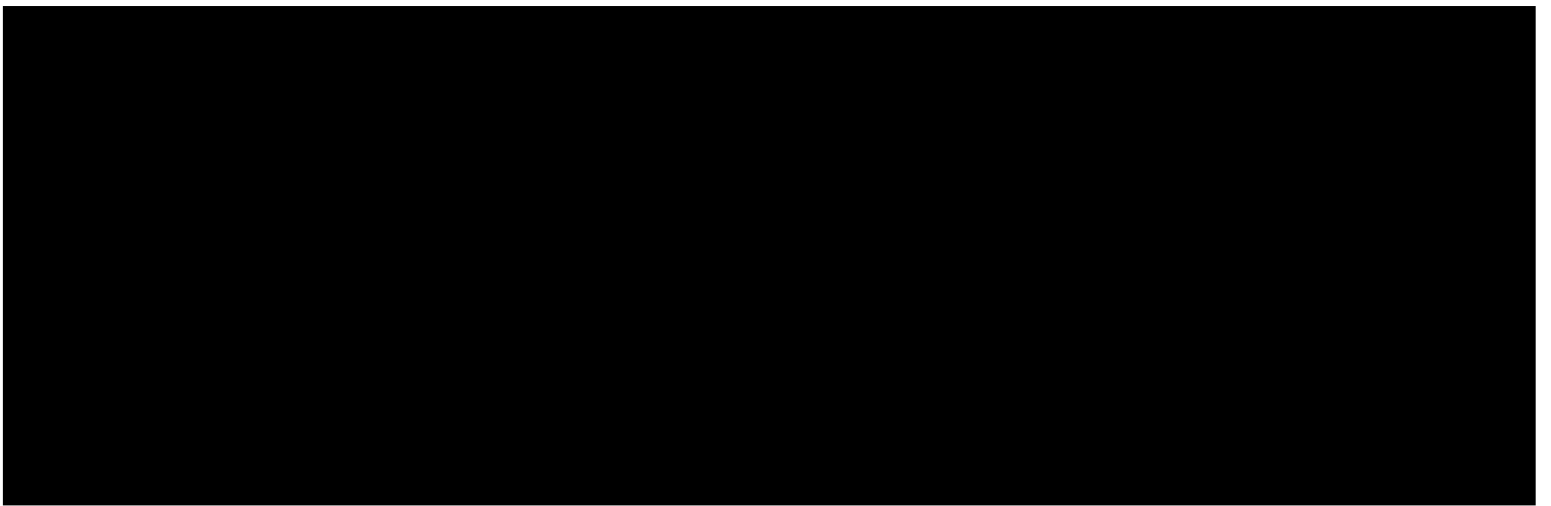
**Subject:** Draft responses to Questions from S re USML Cats I-III

Jennifer,

Josh asked me to send you these draft responses to the Secretary's questions regarding the IM we prepared on the delay in publishing final rules relating to USML Cats I-III.

Christine





Christine Minarich  
Attorney-Adviser (L/PM)  
U.S. Department of State  
(202) 485-1646

**Official - SBU (Attorney-Client Privilege, Deliberative Process)**  
**UNCLASSIFIED**



Message

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**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/18/2019 6:46:44 PM  
**To:** Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

OK Thanks!

---

**From:** Rogers, Shana A <RogersSA2@state.gov>  
**Sent:** Monday, March 18, 2019 2:40 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Subject:** Re: Draft responses to Questions from S re USML Cats I-III

Yes, that works.

Sent from my BlackBerry 10 smartphone.

---

**From:** Kovar, Jeffrey D  
**Sent:** Monday, March 18, 2019 2:39 PM  
**To:** Minarich, Christine M  
**Cc:** Rogers, Shana A  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

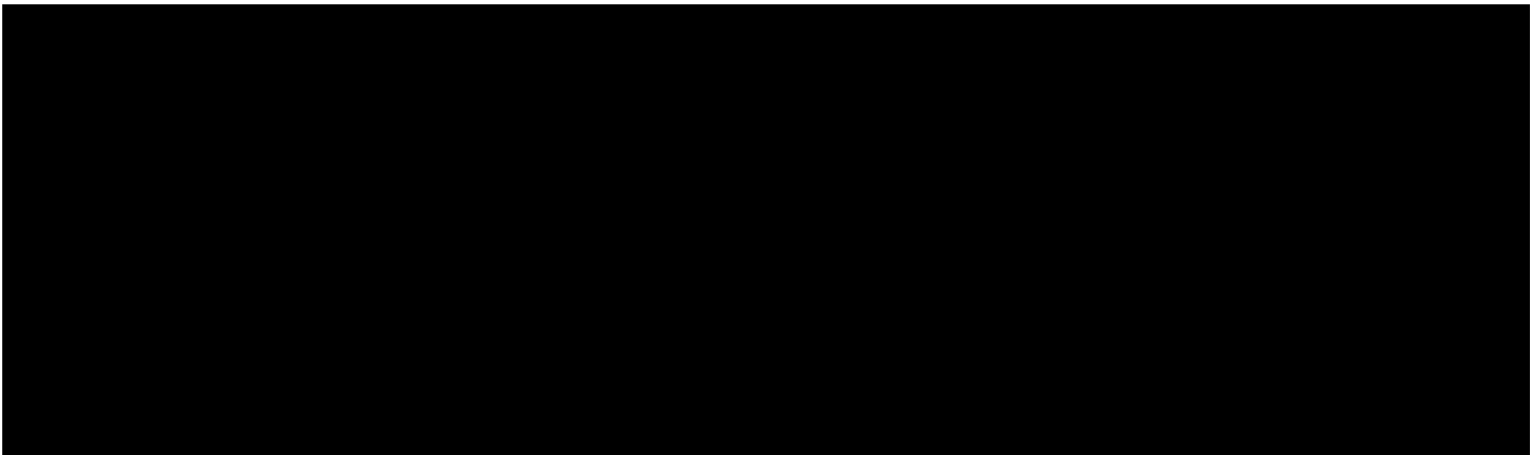
---

**From:** Kovar, Jeffrey D  
**Sent:** Monday, March 18, 2019 2:33 PM  
**To:** Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Shana – can you call quickly? 202-647-9288

---

**From:** Kovar, Jeffrey D  
**Sent:** Monday, March 18, 2019 2:29 PM  
**To:** Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III





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**Subject:** RE: Draft responses to Questions from S re USML Cats I-III




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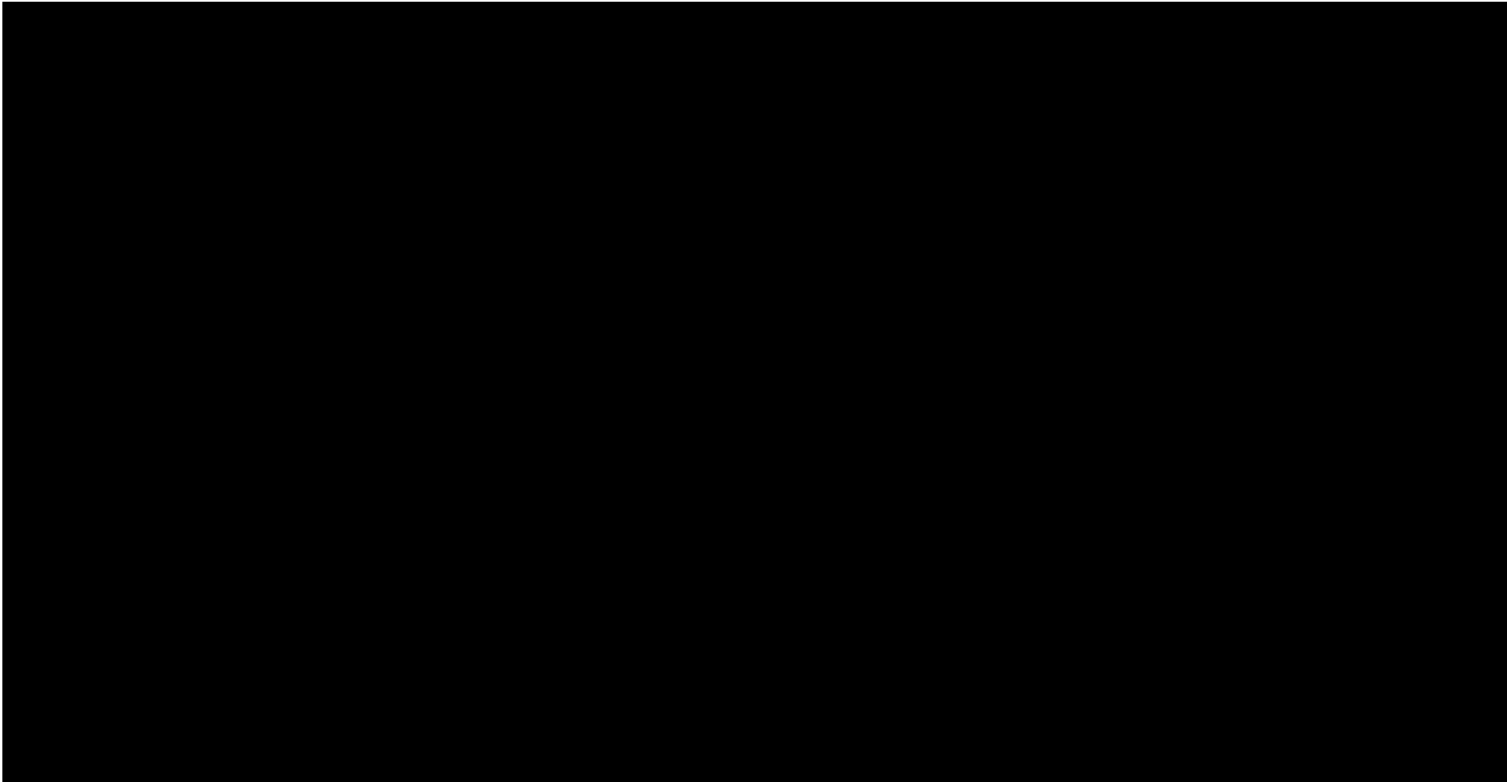
**Date:** March 18, 2019 at 1:38:18 PM EDT

**To:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>, Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>, Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>, Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

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UNCLASSIFIED

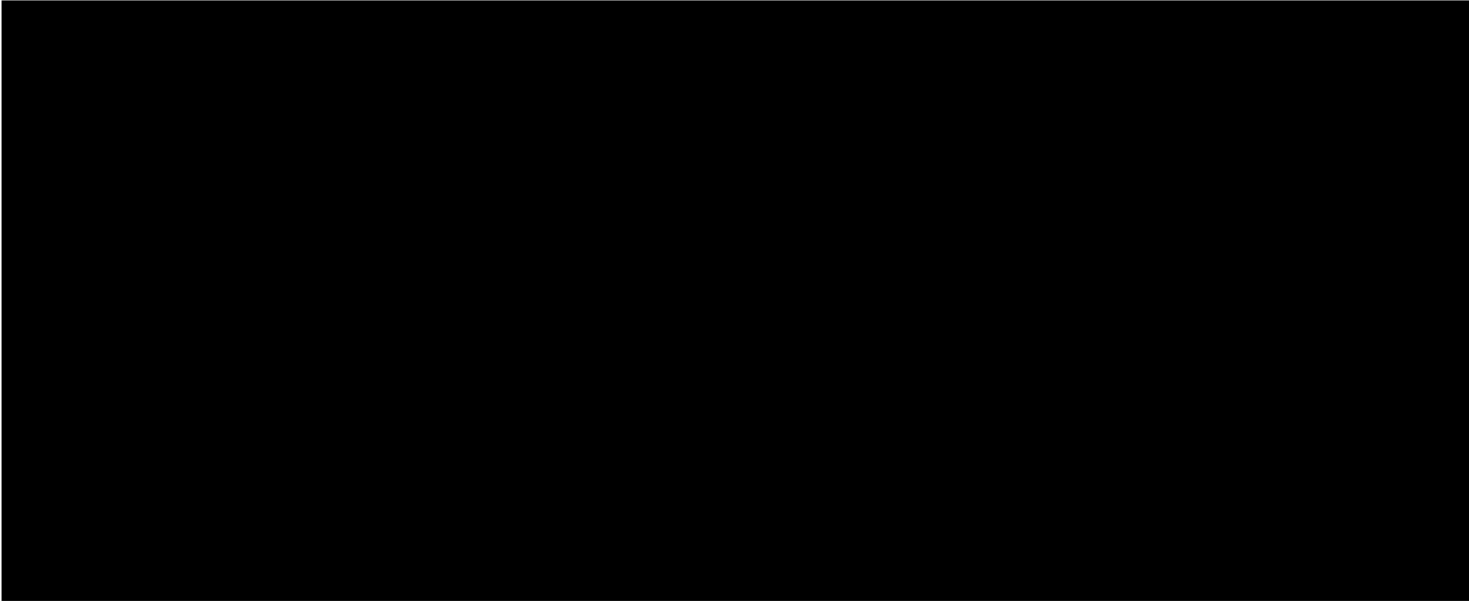


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Christine



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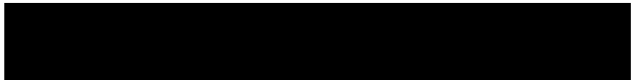
Message

**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/18/2019 6:46:26 PM  
**To:** Minarich, Christine M [MinarichCM@state.gov]  
**CC:** Rogers, Shana A [RogersSA2@state.gov]  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Shana — let us know if you are or aren't available. Otherwise we will go back to Jennifer:

---

**From:** Kovar, Jeffrey D  
**Sent:** Monday, March 18, 2019 2:39 PM  
**To:** Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III



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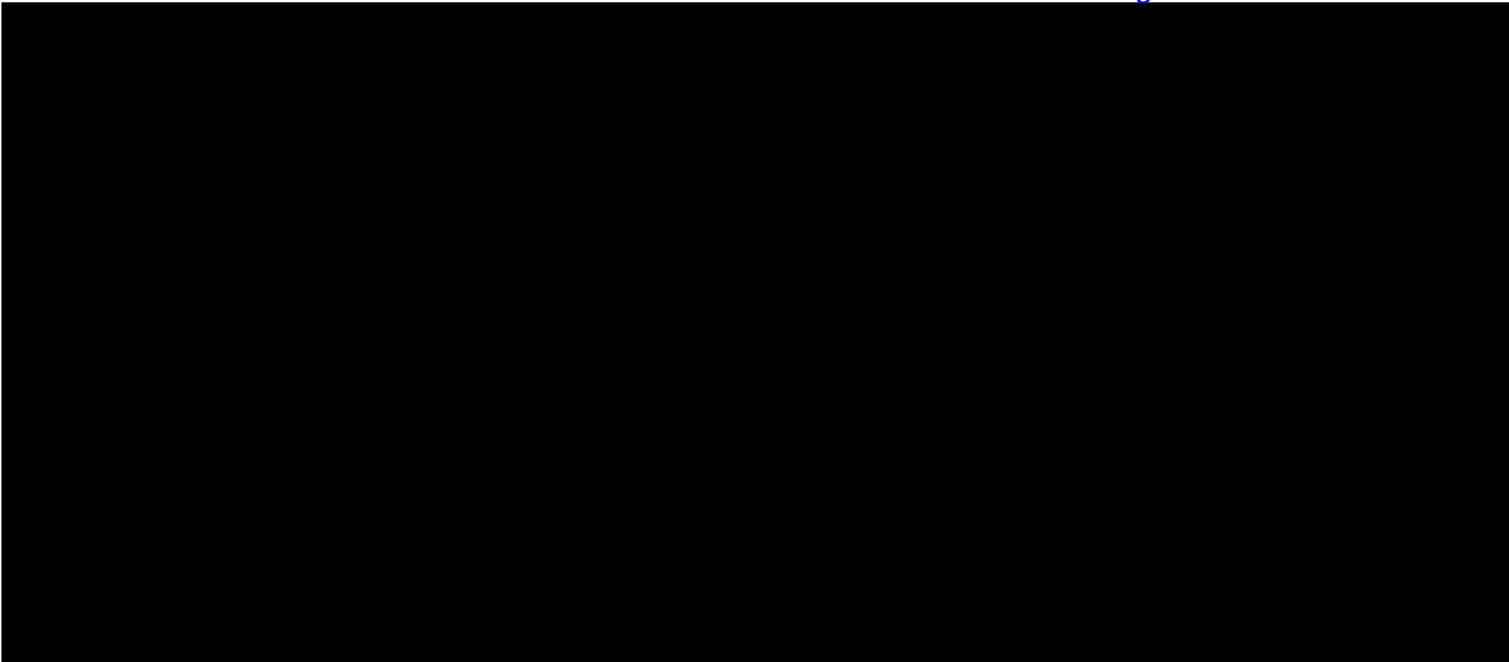
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**Subject:** RE: Draft responses to Questions from S re USML Cats I-III





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**Cc:** Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

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**Cc:** Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III





[REDACTED]

---

**From:** Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Sent:** Monday, March 18, 2019 2:05 PM

**To:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>

**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>; Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>; Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

[REDACTED]

[REDACTED]

---

**From:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>

**Date:** March 18, 2019 at 1:38:18 PM EDT

**To:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>, Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Cc:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>, Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>, Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

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[REDACTED]





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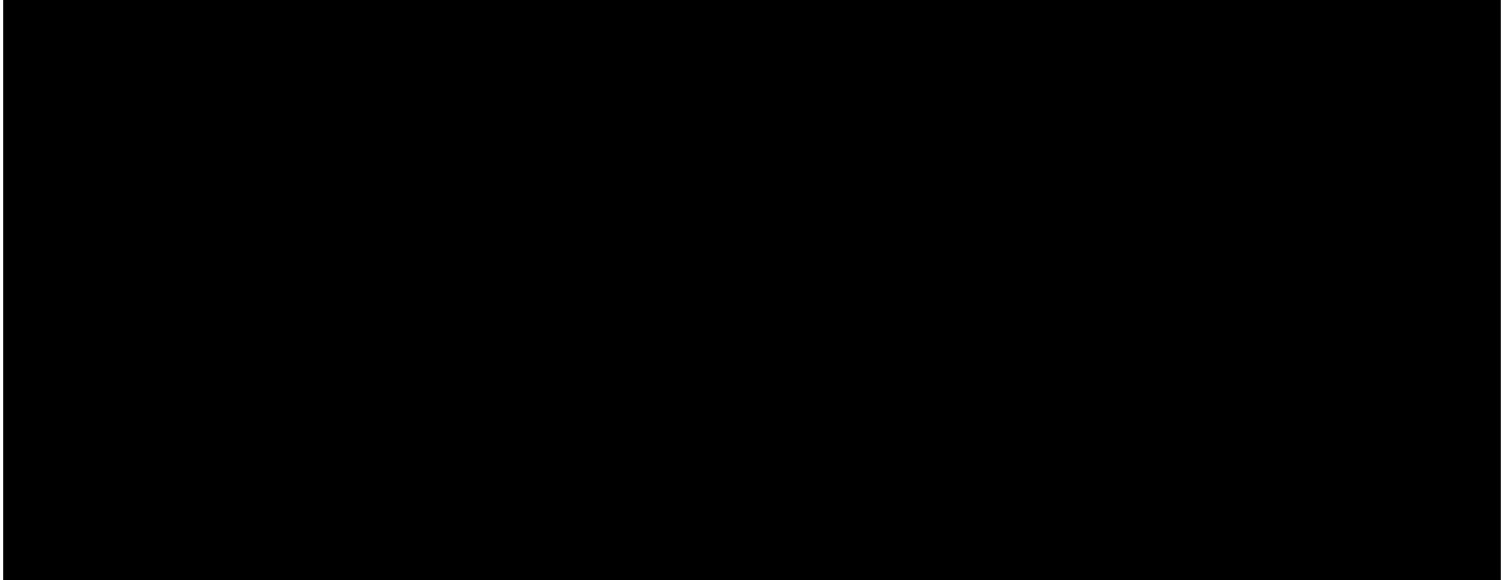
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**Sent:** Monday, March 18, 2019 1:15 PM  
**To:** Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>  
**Cc:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>; Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>; Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>  
**Subject:** Draft responses to Questions from S re USML Cats I-III

Jennifer,

Josh asked me to send you these draft responses to the Secretary's questions regarding the IM we prepared on the delay in publishing final rules relating to USML Cats I-III.

Christine



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U.S. Department of State  
(202) 485-1646

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UNCLASSIFIED



Message

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/18/2019 7:21:42 PM  
**To:** String, Marik A [StringMA@state.gov]; Paul, Joshua M [PaulJM@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**Subject:** RE: H draft

[REDACTED]

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Monday, March 18, 2019 1:07 PM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: H draft

Thanks, [REDACTED]

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---

**From:** Heidema, Sarah J <HeidemaSJ@state.gov>  
**Sent:** Monday, March 18, 2019 11:39 AM  
**To:** String, Marik A <StringMA@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: H draft

[REDACTED]

The specific issues I have with the H points are outlined in more detail below:

[REDACTED]

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Monday, March 18, 2019 11:16 AM  
**To:** Paul, Joshua M <PaulJM@state.gov>; Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J



<HeidemaSJ@state.gov>

**Subject:** RE: H draft

Thanks.

**Official**

**UNCLASSIFIED**

---

**From:** Paul, Joshua M <PaulJM@state.gov>

**Sent:** Monday, March 18, 2019 10:07 AM

**To:** String, Marik A <StringMA@state.gov>; Miller, Michael F <Millermf@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>

**Subject:** RE: H draft

---

**From:** String, Marik A <StringMA@state.gov>

**Sent:** Monday, March 18, 2019 10:02 AM

**To:** Paul, Joshua M <PaulJM@state.gov>; Miller, Michael F <Millermf@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>

**Subject:** H draft

H drafted the below messaging [REDACTED]. I'm not sure if/how it will actually be deployed. Any suggested edits?

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**



UNCLASSIFIED



Message

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/18/2019 8:02:47 PM  
**To:** String, Marik A [StringMA@state.gov]  
**Subject:** FW: Cats 1-3 points

Do you want me to go ahead and synch with Commerce [REDACTED]  
[REDACTED]?

---

**From:** Donnelly, Colleen G <DonnellyCG@state.gov>  
**Sent:** Monday, March 18, 2019 2:46 PM  
**To:** String, Marik A <StringMA@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Taylor, Mary Elizabeth <TaylorME3@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
**Subject:** RE: Cats 1-3 points

Hi Marik,  
Looks good to me.  
Thanks,  
Colleen

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Monday, March 18, 2019 2:37 PM  
**To:** Donnelly, Colleen G <DonnellyCG@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Taylor, Mary Elizabeth <TaylorME3@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
**Subject:** Cats 1-3 points

Attached are some placeholder points [REDACTED] Let us know if you have any edits [REDACTED]  
[REDACTED]

Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**  
**UNCLASSIFIED**



## Message

**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/18/2019 8:28:43 PM  
**To:** Dorosin, Joshua L [DorosinJL@state.gov]  
**CC:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Subject:** FW: Draft responses to Questions from S re USML Cats I-III

Josh,  
 I spoke briefly with Marik about 15 minutes ago because he had a clarifying question. He mentioned that he was about to hit send on the email but [REDACTED] Jeff is at a meeting with the ICRC this afternoon. If you need anything further from L/PM on these questions, please let me know.  
 Christine

**Official**  
**UNCLASSIFIED**

---

**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Monday, March 18, 2019 3:15 PM  
**To:** Newstead, Jennifer G <NewsteadJG@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Nightingale, Robert L <NightingaleRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Thanks -- Christine is typing on the other system and will send back to Marik. -Jeff

---

**From:** Newstead, Jennifer G <NewsteadJG@state.gov>  
**Sent:** Monday, March 18, 2019 3:01 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Nightingale, Robert L <NightingaleRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Ok thanks

---

**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Date:** March 18, 2019 at 2:51:24 PM EDT  
**To:** Newstead, Jennifer G <NewsteadJG@state.gov>, Dorosin, Joshua L <DorosinJL@state.gov>, Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Nightingale, Robert L <NightingaleRL@state.gov>, Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Jennifer -- we have taken your response and reworked a little. Please take a look. [REDACTED]

[REDACTED]

[REDACTED]



**From:** Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

**Sent:** Monday, March 18, 2019 2:05 PM

**To:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>

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**Sent:** Monday, March 18, 2019 1:15 PM

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**Cc:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>; Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>; Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

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## Message

**From:** Minarich, Christine M [MinarichCM@state.gov]  
**Sent:** 3/18/2019 9:26:43 PM  
**To:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

I just checked again and [REDACTED] I've heard nothing from Josh about any questions/problems. I wasn't copied on status email this morning so I'm guessing Marik simply Replied All so I didn't see it. I guess the lack of further emails is a good sign and we would have heard by now if the responses didn't go? Unfortunately, I need to head out in the next 5 minutes as well.

**Official**  
**UNCLASSIFIED**

---

**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Monday, March 18, 2019 5:19 PM  
**To:** Minarich, Christine M <MinarichCM@state.gov>  
**Subject:** Re: Draft responses to Questions from S re USML Cats I-III

I'm out of my meeting. Everything ok?

Sent from my BlackBerry 10 smartphone.

---

**From:** Minarich, Christine M  
**Sent:** Monday, March 18, 2019 4:28 PM  
**To:** Dorosin, Joshua L  
**Cc:** Kovar, Jeffrey D  
**Subject:** FW: Draft responses to Questions from S re USML Cats I-III

Josh,  
 I spoke briefly with Marik about 15 minutes ago because he had a clarifying question. He mentioned that he was about to hit send on the email [REDACTED] Jeff is at a meeting with the ICRC this afternoon. If you need anything further from L/PM on these questions, please let me know.  
 Christine

**Official**  
**UNCLASSIFIED**

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**From:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Sent:** Monday, March 18, 2019 3:15 PM  
**To:** Newstead, Jennifer G <NewsteadJG@state.gov>; Dorosin, Joshua L <DorosinJL@state.gov>; Minarich, Christine M <MinarichCM@state.gov>  
**Cc:** Nightingale, Robert L <NightingaleRL@state.gov>; Rogers, Shana A <RogersSA2@state.gov>  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

Thanks – Christine is typing on the other system and will send back to Marik. -Jeff

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**Sent:** Monday, March 18, 2019 3:01 PM  
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**Cc:** Nightingale, Robert L <[NightingaleRL@state.gov](mailto:NightingaleRL@state.gov)>; Rogers, Shana A <[RogersSA2@state.gov](mailto:RogersSA2@state.gov)>

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Ok thanks

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**From:** Kovar, Jeffrey D <[KovarJD@state.gov](mailto:KovarJD@state.gov)>

**Date:** March 18, 2019 at 2:51:24 PM EDT

**To:** Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>, Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>, Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>

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Jennifer – we have taken your response and reworked a little. Please take a look.

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**To:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>; Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>

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**Subject:** RE: Draft responses to Questions from S re USML Cats I-III



**From:** Dorosin, Joshua L <[DorosinJL@state.gov](mailto:DorosinJL@state.gov)>

**Date:** March 18, 2019 at 1:38:18 PM EDT

**To:** Minarich, Christine M <[MinarichCM@state.gov](mailto:MinarichCM@state.gov)>, Newstead, Jennifer G <[NewsteadJG@state.gov](mailto:NewsteadJG@state.gov)>

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Jennifer – As just discussed, here is an updated version of the points. I'm heading into meetings and have asked Jeff and Christine to field your comments and get these back to Marik. Best, Josh

**Official - SBU (Attorney-Client Privilege, Deliberative Process)**

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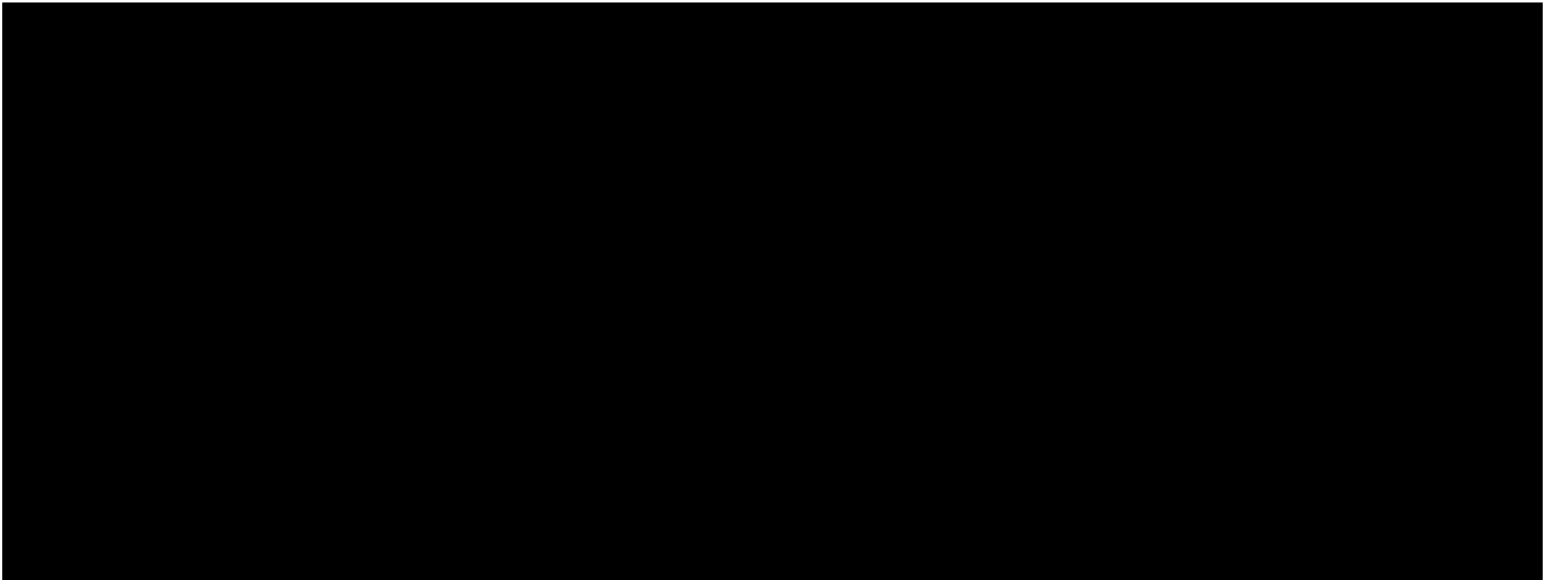
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Christine



Christine Minarich  
Attorney-Adviser (L/PM)  
U.S. Department of State  
(202) 485-1646

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**From:** Kovar, Jeffrey D [KovarJD@state.gov]  
**Sent:** 3/18/2019 9:29:15 PM  
**To:** Minarich, Christine M [MinarichCM@state.gov]  
**Subject:** Re: Draft responses to Questions from S re USML Cats I-III

Send Marik and quick email copying me asking if. He sent it

Sent from my BlackBerry 10 smartphone.

**From:** Minarich, Christine M  
**Sent:** Monday, March 18, 2019 5:26 PM  
**To:** Kovar, Jeffrey D  
**Subject:** RE: Draft responses to Questions from S re USML Cats I-III

I just checked again and [REDACTED] I've heard nothing from Josh about any questions/problems. I wasn't copied on status email this morning so I'm guessing Marik simply Replied All so I didn't see it. I guess the lack of further emails is a good sign and we would have heard by now if the responses didn't go? Unfortunately, I need to head out in the next 5 minutes as well.

**Official**  
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**Sent:** Monday, March 18, 2019 5:19 PM  
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[REDACTED]

[REDACTED]

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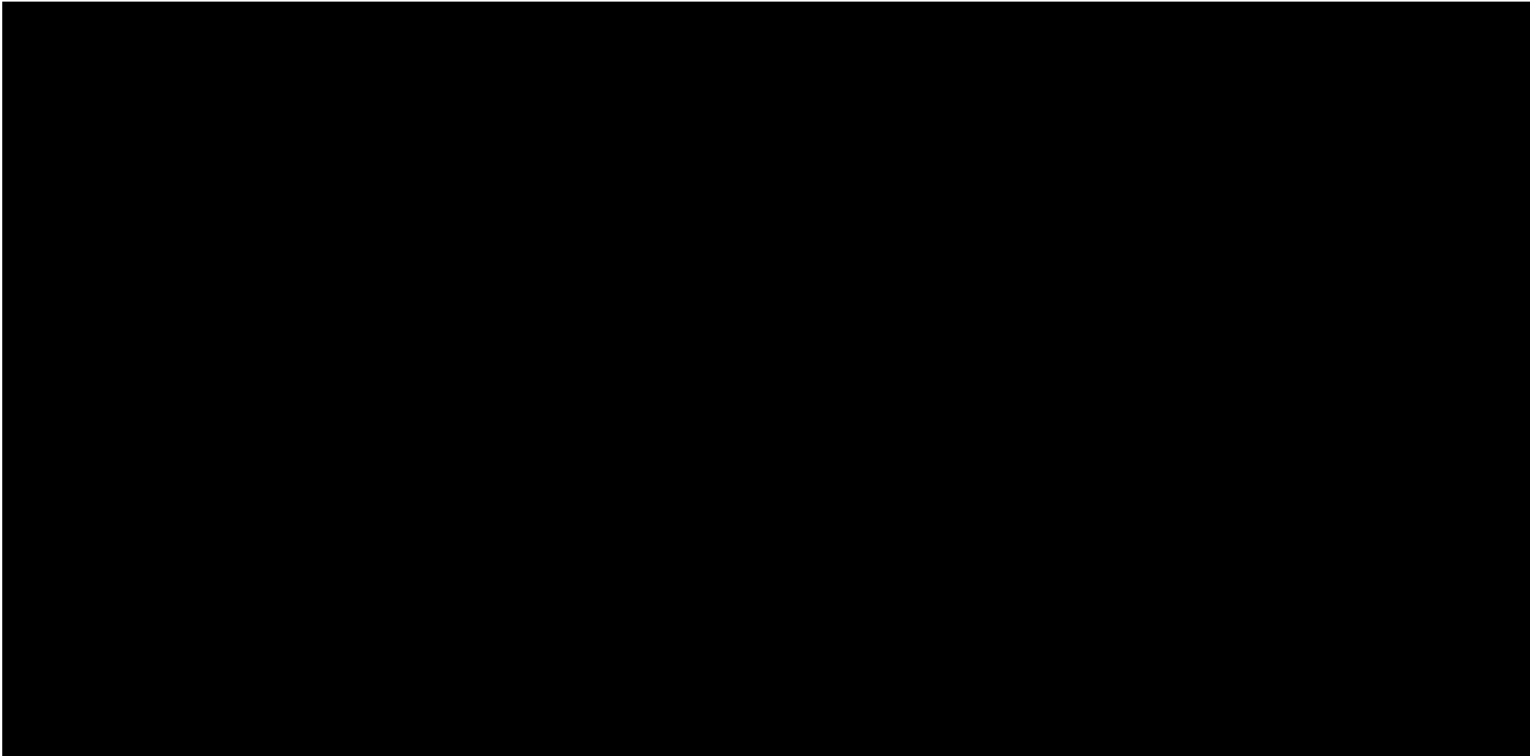
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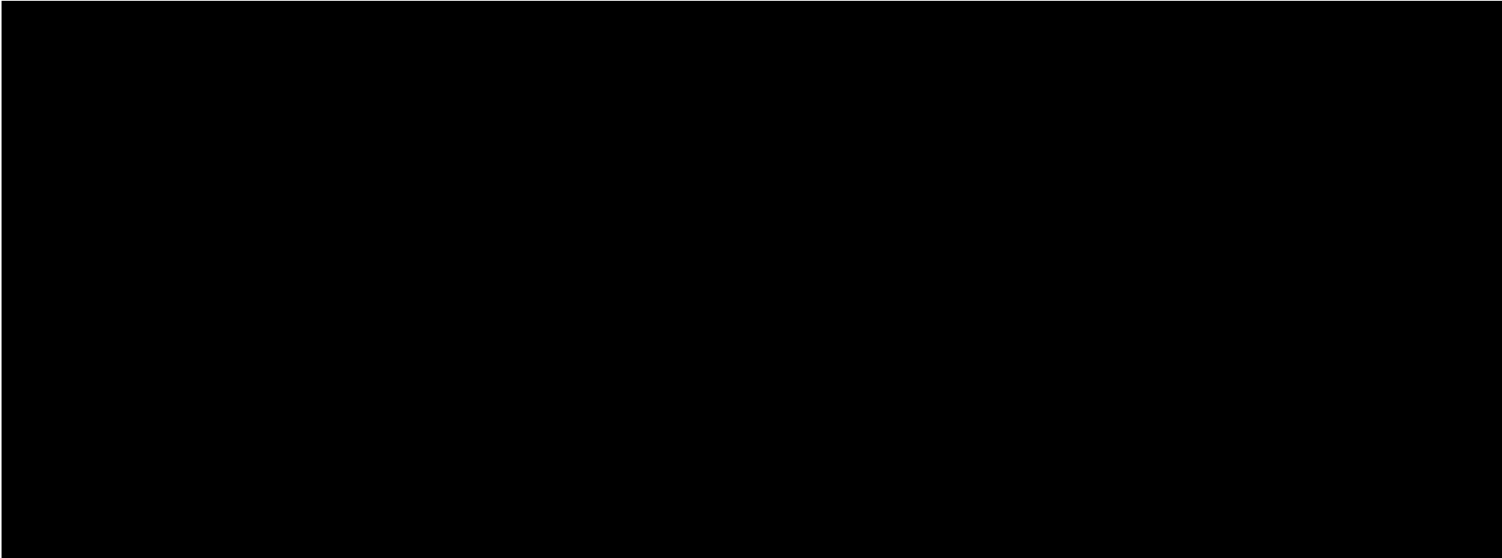


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Christine



Christine Minarich  
Attorney-Adviser (L/PM)  
U.S. Department of State  
(202) 485-1646

**Official - SBU (Attorney-Client Privilege, Deliberative Process)**  
**UNCLASSIFIED**



Message

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/19/2019 2:10:48 PM  
**To:** Hart, Robert L [HartRL@state.gov]  
**CC:** Heidema, Sarah J [HeidemaSJ@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]  
**Subject:** RE: Budget RFI: Due 3/19 (COB)  
**Attachments:** 12 Q 96 3D Gun Information - DTCP v.5.docx

Suggestions -

---

**From:** Hart, Robert L <HartRL@state.gov>  
**Sent:** Tuesday, March 19, 2019 9:54 AM  
**To:** Paul, Joshua M <PaulJM@state.gov>  
**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>  
**Subject:** FW: Budget RFI: Due 3/19 (COB)  
**Importance:** High

Josh, Sarah suggested I send this to you for cleared points on the latest. Noting the highlighted below, we aren't looking for much in terms of content.

Thanks,

Rob Hart  
202.736.9221 | [hartrl@state.gov](mailto:hartrl@state.gov)

**Official - SBU**  
UNCLASSIFIED

---

**From:** PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>  
**Sent:** Monday, March 18, 2019 5:57 PM  
**To:** Noonan, Michael J <NoonanMJ@state.gov>; Hart, Robert L <HartRL@state.gov>  
**Cc:** Paul, Joshua M <PaulJM@state.gov>; PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>  
**Subject:** FW: Budget RFI: Due 3/19 (COB)  
**Importance:** High

DDTC,

Please see below from H requesting that you please review and update the attached by COB tomorrow. There should be no more than three bullet points and eight lines of text.

Many thanks,

Samantha Sison  
[PM/FO SharePoint](#)  
202-647-0561

**Official - SBU**  
UNCLASSIFIED

---

**From:** Tillou, Patrick A <TillouPA@state.gov>  
**Sent:** Monday, March 18, 2019 5:47 PM  
**To:** PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>



**Cc:** Darrach, Tamara A <DarrachTA@state.gov>

**Subject:** Budget RFI: Due 3/19 (COB)

PM Colleagues,

The S/ES-FO has asked to update the previously submitted Q&A on 3D guns (attached for your reference). [REDACTED]  
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Apologies for the rush, but they are trying to lock down the book.

Thanks!

Patrick Tillou  
Special Assistant  
Bureau of Legislative Affairs  
Office: 202-647-9379

**Official - SBU**  
**UNCLASSIFIED**



Message

---

**From:** Hart, Robert L [HartRL@state.gov]  
**Sent:** 3/19/2019 2:12:38 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]  
**Subject:** RE: Budget RFI: Due 3/19 (COB)

Thanks for the quick turn!

Rob Hart  
202.736.9221 | [hartrl@state.gov](mailto:hartrl@state.gov)

**Official**  
**UNCLASSIFIED**

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Tuesday, March 19, 2019 10:11 AM  
**To:** Hart, Robert L <HartRL@state.gov>  
**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>  
**Subject:** RE: Budget RFI: Due 3/19 (COB)

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**From:** Hart, Robert L [HartRL@state.gov]  
**Sent:** 3/19/2019 2:22:18 PM  
**To:** H\_Staffers [H\_Staffers@state.gov]  
**CC:** Heidema, Sarah J [HeidemaSJ@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]; Paul, Joshua M [PaulJM@state.gov]  
**Subject:** RE: Budget RFI: Due 3/19 (COB)  
**Attachments:** 12 Q 96 3D Gun Information - DTCP v.5.docx

Hello, we received the attached and below from our front office per your request. [REDACTED]

Thanks,

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**Sent:** 3/19/2019 5:43:34 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]  
**CC:** Noonan, Michael J [NoonanMJ@state.gov]  
**Subject:** RE: Budget RFI: Due 3/19 (COB)  
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Josh/Sarah,

Let me know if anyone has any concerns, otherwise I'll send this up.

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**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Tuesday, March 19, 2019 10:11 AM  
**To:** Hart, Robert L <HartRL@state.gov>  
**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>  
**Subject:** RE: Budget RFI: Due 3/19 (COB)

Suggestions -

---

**From:** Hart, Robert L <HartRL@state.gov>  
**Sent:** Tuesday, March 19, 2019 9:54 AM  
**To:** Paul, Joshua M <PaulJM@state.gov>  
**Cc:** Heidema, Sarah J <HeidemaSJ@state.gov>; Noonan, Michael J <NoonanMJ@state.gov>  
**Subject:** FW: Budget RFI: Due 3/19 (COB)  
**Importance:** High

Josh, Sarah suggested I send this to you for cleared points on the latest. Noting the highlighted below, we aren't looking for much in terms of content.

Thanks,

Rob Hart  
202.736.9221 | [hartrl@state.gov](mailto:hartrl@state.gov)



**Official - SBU**  
UNCLASSIFIED

---

**From:** PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>  
**Sent:** Monday, March 18, 2019 5:57 PM  
**To:** Noonan, Michael J <NoonanMJ@state.gov>; Hart, Robert L <HartRL@state.gov>  
**Cc:** Paul, Joshua M <PaulJM@state.gov>; PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>  
**Subject:** FW: Budget RFI: Due 3/19 (COB)  
**Importance:** High

DDTC,

Please see below from H requesting that you please review and update the attached by COB tomorrow. There should be no more than three bullet points and eight lines of text.

Many thanks,

Samantha Sison  
PM/FO SharePoint  
202-647-0561

**Official - SBU**  
UNCLASSIFIED

---

**From:** Tillou, Patrick A <TillouPA@state.gov>  
**Sent:** Monday, March 18, 2019 5:47 PM  
**To:** PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>  
**Cc:** Darrach, Tamara A <DarrachTA@state.gov>  
**Subject:** Budget RFI: Due 3/19 (COB)

PM Colleagues,

The S/ES-FO has asked to update the previously submitted Q&A on 3D guns (attached for your reference). [REDACTED]  
[REDACTED] Could you please review, revise, and resubmit by COB tomorrow? Please note they are strictly enforcing the rule that, unless absolutely necessary, there should be no more than three bullet points and eight lines of text.

Apologies for the rush, but they are trying to lock down the book.

Thanks!

Patrick Tillou  
Special Assistant  
Bureau of Legislative Affairs  
Office: 202-647-9379

**Official - SBU**  
UNCLASSIFIED



Appointment

---

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/19/2019 5:56:56 PM  
**To:** Darrach, Tamara A [DarrachTA@state.gov]  
  
**Subject:** Accepted: Hearing prep for HFAC Minority Staff on CATS I-III  
**Location:** Phone Call  
  
**Start:** 3/19/2019 7:00:00 PM  
**End:** 3/19/2019 7:30:00 PM  
**Show Time As:** Busy  
  
**Recurrence:** (none)



Message

---

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/19/2019 6:23:41 PM  
**To:** Hart, Robert L [HartRL@state.gov]  
**Subject:** 12 Q 96 3D Gun Information - DTCP v.5 (004) RLH  
**Attachments:** 12 Q 96 3D Gun Information - DTCP v.5 (004) RLH.docx

My edits



Message

**From:** Hart, Robert L [HartRL@state.gov]  
**Sent:** 3/19/2019 6:29:49 PM  
**To:** PM-Staffers Mailbox [PM-StaffersMailbox@state.gov]  
**CC:** Heidema, Sarah J [HeidemaSJ@state.gov]; Noonan, Michael J [NoonanMJ@state.gov]  
**Subject:** RE: Budget RFI: Due 3/19 (COB)  
**Attachments:** 12 Q 96 3D Gun Information - DTCP v.5 (004) RLH (002).docx

Sam, we've updated the attached per H's request, please let us know if you have any questions.

Thanks,

Rob Hart  
202.736.9221 | [hartrl@state.gov](mailto:hartrl@state.gov)

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>  
**Sent:** Monday, March 18, 2019 5:57 PM  
**To:** Noonan, Michael J <NoonanMJ@state.gov>; Hart, Robert L <HartRL@state.gov>  
**Cc:** Paul, Joshua M <PaulJM@state.gov>; PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>  
**Subject:** FW: Budget RFI: Due 3/19 (COB)  
**Importance:** High

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Samantha Sison  
[PM/FO SharePoint](#)  
202-647-0561

**Official - SBU**  
**UNCLASSIFIED**

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**Sent:** Monday, March 18, 2019 5:47 PM  
**To:** PM-Staffers Mailbox <PM-StaffersMailbox@state.gov>  
**Cc:** Darrach, Tamara A <DarrachTA@state.gov>  
**Subject:** Budget RFI: Due 3/19 (COB)

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[REDACTED] Could you please review, revise, and resubmit by COB tomorrow? Please note they are strictly enforcing the rule that, unless absolutely necessary, there should be no more than three bullet points and eight lines of text.

Apologies for the rush, but they are trying to lock down the book.



Thanks!

Patrick Tillou  
Special Assistant  
Bureau of Legislative Affairs  
Office: 202-647-9379

**Official - SBU**  
**UNCLASSIFIED**



Message (Digitally Signed)

---

**From:** Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]  
**Sent:** 3/20/2019 2:47:59 PM  
**To:** Monjay, Robert [MonjayR@state.gov]; Hart, Robert L [HartRL@state.gov]  
**Subject:** USML Categories I-III  
**Attachments:** smime.p7s  
**Importance:** High

Good morning, we are preparing a Read Ahead for Mrs. Grant due today. She is scheduled to be on the Hill on Monday. We were scheduled to brief the HASC on 5 March. However, this briefing was postponed. Are there any issues that we need to make Mrs Grant aware as to why the meeting was postponed. We are also reaching out to our LA.

Any assistance you can provide is appreciated.

Thank you.

Regards,

Susan



Message

**From:** Monjay, Robert [MonjayR@state.gov]  
**Sent:** 3/20/2019 3:48:10 PM  
**To:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**CC:** Hart, Robert L [HartRL@state.gov]  
**Subject:** Fwd: USML Categories I-III

My recollection is that BIS pulled out, so it was cancelled. Is there anything I am forgetting?

Robert Monjay  
202-663-2817 (office)  
[REDACTED] (mobile)

---

**From:** Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>  
**Sent:** Wednesday, March 20, 2019 7:49:44 AM  
**To:** Monjay, Robert; Hart, Robert L  
**Cc:** Blake, Victoria C CIV DTSA PD (US)  
**Subject:** USML Categories I-III

+ Vicky Blake

Good morning, we are preparing a Read Ahead for Mrs. Grant that is due today. Ms Grant is scheduled to be on the Hill on Monday. We were scheduled to brief the HASC on 5 March. However, this briefing was postponed. Are there any issues that we need to make Mrs Grant aware as to why the meeting was postponed. We are also reaching out to our LA.

Any assistance you can provide is appreciated.

Thank you.

Regards,

Susan



Message

**From:** Monjay, Robert [MonjayR@state.gov]  
**Sent:** 3/20/2019 6:26:15 PM  
**To:** Hart, Robert L [HartRL@state.gov]; Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]  
**CC:** Blake, Victoria C CIV DTSA PD (US) [victoria.c.blake.civ@mail.mil]  
**Subject:** Re: USML Categories I-III

Susan,  
In looking back through my emails, DOD pulled out without explanation. Angela Tapia sent an email canceling. I think that you'd need to reach out to her to find out why DOD pulled out.  
Thanks  
Rob

Robert Monjay  
202-663-2817 (office)  
[REDACTED] (mobile)

---

**From:** Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>  
**Sent:** Wednesday, March 20, 2019 7:49:44 AM  
**To:** Monjay, Robert; Hart, Robert L  
**Cc:** Blake, Victoria C CIV DTSA PD (US)  
**Subject:** USML Categories I-III

+ Vicky Blake

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Any assistance you can provide is appreciated.

Thank you.

Regards,

Susan



Message (Digitally Signed)

**From:** Blake, Victoria C CIV DTSA PD (US) [victoria.c.blake.civ@mail.mil]  
**Sent:** 3/20/2019 6:33:01 PM  
**To:** Monjay, Robert [MonjayR@state.gov]; Hart, Robert L [HartRL@state.gov]  
**CC:** Daoussi, Susan G CIV DTSA LD (US) [susan.g.daoussi.civ@mail.mil]  
**Subject:** RE: USML Categories I-III  
**Attachments:** smime.p7s

Good Afternoon Rob,

LtCol Tapia cancelled after State and Commerce were not able to brief [REDACTED]

[REDACTED] The email is below. I sent an email today to the LA folks on the email chain but I have not received any feedback.

Regards,

Vicky Blake

-----Original Message-----

**From:** Kimberly Ekmark <Kimberly.Ekmark@bis.doc.gov>  
**Sent:** Tuesday, March 12, 2019 1:52 PM  
**To:** Paul, Joshua M <PaulJM@state.gov>; Blake, Victoria C CIV DTSA PD (US) <victoria.c.blake.civ@mail.mil>; Tapia, Angela M Lt Col USAF OSD OASD LA (USA) <angela.m.tapia2.mil@mail.mil>; Darrach, Tamara A <DarrachTA@state.gov>  
**Cc:** Nesterczuk, Oksana D CIV DTSA PD (US) <oksana.d.nesterczuk.civ@mail.mil>; LKluttz@doc.gov  
**Subject:** [Non-DoD Source] RE: USML Categories 1-3 Briefing

[REDACTED]

Also, tomorrow will be my last day at the Department of Commerce. I've cc'd my colleague Lawson here, he will be the leg POC for this issue moving forward. Thanks much.

-----Original Message-----

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Tuesday, March 12, 2019 1:14 PM  
**To:** Blake, Victoria C CIV DTSA PD (US) <victoria.c.blake.civ@mail.mil>; Tapia, Angela M Lt Col USAF OSD OASD LA (USA) <angela.m.tapia2.mil@mail.mil>; Kimberly Ekmark <Kimberly.Ekmark@bis.doc.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
**Cc:** Nesterczuk, Oksana D CIV DTSA PD (US) <oksana.d.nesterczuk.civ@mail.mil>  
**Subject:** [Non-DoD Source] RE: USML Categories 1-3 Briefing

Hi,

[REDACTED]

Josh

---

**From:** Monjay, Robert <MonjayR@state.gov>  
**Sent:** Wednesday, March 20, 2019 2:26 PM



**To:** Hart, Robert L <HartRL@state.gov>; Daoussi, Susan G CIV DTSA LD (US) <susan.g.daoussi.civ@mail.mil>

**Cc:** Blake, Victoria C CIV DTSA PD (US) <victoria.c.blake.civ@mail.mil>

**Subject:** [Non-DoD Source] Re: USML Categories I-III

Susan,

In looking back through my emails, DOD pulled out without explanation. Angela Tapia sent an email canceling. I think that you'd need to reach out to her to find out why DOD pulled out.

Thanks

Rob

Robert Monjay

202-663-2817 (office)

[REDACTED] (mobile)

---

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**Sent:** Wednesday, March 20, 2019 7:49:44 AM

**To:** Monjay, Robert; Hart, Robert L

**Cc:** Blake, Victoria C CIV DTSA PD (US)

**Subject:** USML Categories I-III

+ Vicky Blake

Good morning, we are preparing a Read Ahead for Mrs. Grant that is due today. Ms Grant is scheduled to be on the Hill on Monday. We were scheduled to brief the HASC on 5 March. However, this briefing was postponed. Are there any issues that we need to make Mrs Grant aware as to why the meeting was postponed. We are also reaching out to our LA.

Any assistance you can provide is appreciated.

Thank you.

Regards,

Susan



Message

---

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/20/2019 7:16:06 PM  
**To:** String, Marik A [StringMA@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** RE: Cats 1-3 points  
**Attachments:** 0318 CATS I-III TPs.v1 + BIS\_TM 3-20-19 edits.docx

Commerce clears as attached -- [REDACTED]

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

---

**From:** Donnelly, Colleen G <DonnellyCG@state.gov>  
**Sent:** Monday, March 18, 2019 2:46 PM  
**To:** String, Marik A <StringMA@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Taylor, Mary Elizabeth <TaylorME3@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
**Subject:** RE: Cats 1-3 points

Hi Marik,  
Looks good to me.  
Thanks,  
Colleen

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Monday, March 18, 2019 2:37 PM  
**To:** Donnelly, Colleen G <DonnellyCG@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Taylor, Mary Elizabeth <TaylorME3@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
**Subject:** Cats 1-3 points

Attached are some placeholder points [REDACTED] Let us know if you have any edits; [REDACTED]  
[REDACTED]

Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**  
**UNCLASSIFIED**



Message

**From:** Paul, Joshua M [PaulJM@state.gov]  
**Sent:** 3/20/2019 7:19:16 PM  
**To:** String, Marik A [StringMA@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** RE: Cats 1-3 points

Coincidentally, CRS' Paul Kerr just called to ask if we are "honoring the Menendez hold?" I said we haven't published them yet, but the notification period has expired [REDACTED]

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

---

**From:** Paul, Joshua M  
**Sent:** Wednesday, March 20, 2019 3:16 PM  
**To:** String, Marik A <StringMA@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Cats 1-3 points

Commerce clears as attached [REDACTED]

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**Sent:** Monday, March 18, 2019 2:46 PM  
**To:** String, Marik A <StringMA@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Taylor, Mary Elizabeth <TaylorME3@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
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**Official - SBU**  
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**Subject:** Cats 1-3 points

Attached are some placeholder points [REDACTED] Let us know if you have any edits; [REDACTED]



Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**

**UNCLASSIFIED**



Message

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/20/2019 7:50:10 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]  
**Subject:** RE: Cats 1-3 points

[REDACTED] Long day here, sorry

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Wednesday, March 20, 2019 3:50 PM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Cats 1-3 points

---

**From:** Heidema, Sarah J <HeidemaSJ@state.gov>  
**Sent:** Wednesday, March 20, 2019 3:29 PM  
**To:** Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Cats 1-3 points

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Wednesday, March 20, 2019 3:16 PM  
**To:** String, Marik A <StringMA@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Cats 1-3 points

Commerce clears as attached [REDACTED]

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

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**Sent:** Monday, March 18, 2019 2:46 PM  
**To:** String, Marik A <StringMA@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Taylor, Mary Elizabeth <TaylorME3@state.gov>  
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**Official - SBU**  
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**Cc:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>; Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Darrach, Tamara A <[DarrachTA@state.gov](mailto:DarrachTA@state.gov)>

**Subject:** Cats 1-3 points

Attached are some placeholder points [REDACTED]

Let us know if you have any edits; [REDACTED]

Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**

**UNCLASSIFIED**



Message

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/20/2019 7:51:23 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]; String, Marik A [StringMA@state.gov]  
**CC:** Miller, Michael F [MillerMF@state.gov]  
**Subject:** RE: Cats 1-3 points

[REDACTED] Long day, too many calls that involve lawyers.

---

**From:** Heidema, Sarah J  
**Sent:** Wednesday, March 20, 2019 3:29 PM  
**To:** Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Cats 1-3 points

[REDACTED]

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**Sent:** Wednesday, March 20, 2019 3:16 PM  
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**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Cats 1-3 points

Commerce clears as attached - [REDACTED]

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

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**To:** String, Marik A <StringMA@state.gov>; Faulkner, Charles S <FaulknerCS@state.gov>; Taylor, Mary Elizabeth <TaylorME3@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>; Darrach, Tamara A <DarrachTA@state.gov>  
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**Subject:** Cats 1-3 points



Attached are some placeholder points [REDACTED]

Let us know if you have any edits; [REDACTED]

Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**  
**UNCLASSIFIED**



## Message

**From:** Marquis, Matthew R [MarquisMR@state.gov]  
**Sent:** 3/20/2019 8:26:20 PM  
**To:** PM-DTCP-Tasking-DL [PM-DTCP-Tasking-DL@state.gov]; Legal-PM-DL [Legal-PM-DL@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**Subject:** CPA Media Monitoring: Reason: Sen. Menendez Calls for Twitter to Stop Spreading Software That Can Help Make Weapons



## Sen. Menendez Calls for Twitter to Stop Spreading Software That Can Help Make Weapons

By Brian Doherty

19 March 2019

Sen. Bob Menendez (D-N.J.) made a direct call to Twitter chieftain Jack Dorsey asking him to eliminate tweets from a particular user, @ivanthetroll12, as revealed in a press release from the senator's office earlier this month.

The letter read in part:

Dear Mr. Dorsey,

I write to express concern regarding Twitter's decision to allow its users to publicize links to downloadable blueprints for 3D-printed firearms. I ask that you take immediate steps to remove such links, as well as the ability to directly message these links from your platform....I do not believe one of the country's most prominent tech companies should be facilitating access to these deadly weapons....

On February 22, 2019 the user @IvanTheTroll12 tweeted his plans to release blueprints for a 3D-printed AR-15 firearm. The following day, @IvanTheTroll12 tweeted a direct download link to a website whereby anyone is free to download the blueprints....if foreign users are able to access the website and the blueprints, the publication of these blueprints violates the law. I urge you to take immediate action to remove the publication of the links. In addition, I would like to know what Twitter is doing to ensure that other users do not use your platform for such nefarious and potentially unlawful actions in the future....

The account (and its tweets) that bothered Menendez still exist, with the feed containing many other posts regarding different versions of software-enabled home gun manufacture, as well as tweets pointing out that for the vast majority of people who can't legally obtain a gun, black market purchase would be a far more obvious choice than the complications of making guns at home via 3D printers or CNC (computer numerical control) mills, which move and control machine tools via software commands.

The man behind the account says in an email yesterday that he's heard nothing from Twitter after Menendez called him out. "I suspect it'll just blow over at this point, I don't think they'd take this long if they planned to act. But who knows, maybe they are scheming a big TOS update."

But, he wrote, "I'm certain that if a printed gun is ever used in a crime that Twitter will crack down."

"Ivan" says he's not sure how Menendez came across his tweets. "I've tweeted at him since his letter to antagonize him, but had no interaction with him prior to his letter."



Menendez's office did not respond as of press time as to whether Dorsey or anyone at Twitter has responded to them regarding his March 7 release.

Ivan also insists that Menendez revealed a politician's typically thin understanding of the complications involved in connecting the spread of speech and information with a likely physical threat.

That is, the information Ivan is spreading (which Menendez's state of New Jersey has tried to mostly ban) is still a very long way from any object in the world existing. "You'd need 500k in machines (either a 5 axis CNC + lathe or a DLMS [direct metal laser sintering] metal printer) to make an entire AR15 from those files," he wrote in an email.

"The point in the files is that a) you could actually do it, and b) as with all reference models, it can be used as a base for modification or customization. Want to design your own 3d printed stock - take this AR15 CAD and use it to get all the measurements you need, and you will be saved lots of trial and error."

But, Ivan insists, "the fact remains it is a reference model - it is not 3d printable as the Senator suggests (unless you have 500k-1m dollars in DLMS setup, but you can buy truck-fulls of AR15s for that)."

Ivan wonders if Menendez's office is intentionally trying to confuse Dorsey and the public about what Ivan really did on Twitter. "I fully believe the Senator knows the files aren't printable (we didn't include any files that are set up for printing in the package), the readme disclaims that you can't print it, and the announcement tweet made it clear that it is a reference model."

He clarifies: His tweets and the links in them "makes the AR15 CAD public domain, it makes the AR15 an idea and not a physical item, but it doesn't make the AR15 printable. He knows this, and it posturing and pretending the files are something that they aren't."

Menendez's state of New Jersey passed a law last year trying to ban the transmission of software that could help instruct a home device to make a weapon to anyone not a licensed gun manufacturer. Defense Distributed, whose controversial founder Cody Wilson was called out specifically by the state's attorney general as the law's target, sued along with other Second Amendment interest groups to block enforcement of the law, which they think violated the First Amendment, the Supremacy Clause, and the Commerce Clause.

That particular case was tossed out of court in February by a U.S. district judge in Texas largely on jurisdictional grounds; he didn't think Texas was the proper place for the suit. While that dismissal is under appeal in the 5th Circuit, a separate suit along the same grounds was filed in February in federal court in New Jersey. In that case an initial request for a preliminary injunction against the state also so far failed and is on appeal to the 3rd Circuit, according to Alan Gottlieb of the Second Amendment Foundation, one of the parties to the suit.

Ivan, who did not want to reveal any other name, says he is not associated with Defense Distributed.

Link: <https://reason.com/blog/2019/03/19/sen-menendez-calls-out-twitter-for-sprea>

---

**Matthew Marquis**

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U.S. Department of State

Phone: 202.647.6968



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Message

**From:** Frideres, Taryn F [FrideresTF@state.gov]  
**Sent:** 3/20/2019 11:50:17 PM  
**To:** String, Marik A [StringMA@state.gov]  
**Subject:** RE: S Hearing Prep

Thanks! [REDACTED]

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---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Wednesday, March 20, 2019 4:21 PM  
**To:** Frideres, Taryn F <FrideresTF@state.gov>  
**Subject:** RE: S Hearing Prep

[REDACTED]

Marik

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---

**From:** Frideres, Taryn F <FrideresTF@state.gov>  
**Sent:** Wednesday, March 20, 2019 4:01 PM  
**To:** String, Marik A <StringMA@state.gov>  
**Subject:** S Hearing Prep  
**Importance:** High

Marik:

[REDACTED]

Thanks!

Taryn

[REDACTED]

Taryn Frideres  
Senior Advisor to the Deputy Secretary of State  
202-647-8198 (office)  
[REDACTED] (mobile)



FrideresTF@state.gov

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**UNCLASSIFIED**



Message

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**From:** Frideres, Taryn F [FrideresTF@state.gov]  
**Sent:** 3/20/2019 11:52:27 PM  
**To:** String, Marik A [StringMA@state.gov]  
**Attachments:** Toplines & Hot Topics.docx

Taryn Frideres  
Senior Advisor to the Deputy Secretary of State  
202-647-8198 (office)  
[REDACTED] (mobile)  
[FrideresTF@state.gov](mailto:FrideresTF@state.gov)

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Message

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/21/2019 12:32:15 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]  
**Subject:** RE: Cats 1-3 points

[REDACTED]

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Thursday, March 21, 2019 7:24 AM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Cats 1-3 points

Sarah - [REDACTED] Thanks.

---

**From:** String, Marik A <StringMA@state.gov>  
**Sent:** Wednesday, March 20, 2019 6:49 PM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Cats 1-3 points

Yes, works for me. [REDACTED]

[REDACTED] Thanks, Marik

Sensitive but Unclassified/Deliberative Process/Pre-decisional

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---

**From:** Heidema, Sarah J <HeidemaSJ@state.gov>  
**Sent:** Wednesday, March 20, 2019 3:29 PM  
**To:** Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Cats 1-3 points

[REDACTED]

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Wednesday, March 20, 2019 3:16 PM  
**To:** String, Marik A <StringMA@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Cats 1-3 points

Commerce clears as attached [REDACTED]

Sensitive but Unclassified/Deliberative Process/Pre-decisional



---

**From:** Donnelly, Colleen G <[DonnellyCG@state.gov](mailto:DonnellyCG@state.gov)>

**Sent:** Monday, March 18, 2019 2:46 PM

**To:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>; Faulkner, Charles S <[FaulknerCS@state.gov](mailto:FaulknerCS@state.gov)>; Taylor, Mary Elizabeth <[TaylorME3@state.gov](mailto:TaylorME3@state.gov)>

**Cc:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>; Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Darrach, Tamara A <[DarrachTA@state.gov](mailto:DarrachTA@state.gov)>

**Subject:** RE: Cats 1-3 points

Hi Marik,  
Looks good to me.  
Thanks,  
Colleen

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**UNCLASSIFIED**

---

**From:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>

**Sent:** Monday, March 18, 2019 2:37 PM

**To:** Donnelly, Colleen G <[DonnellyCG@state.gov](mailto:DonnellyCG@state.gov)>; Faulkner, Charles S <[FaulknerCS@state.gov](mailto:FaulknerCS@state.gov)>; Taylor, Mary Elizabeth <[TaylorME3@state.gov](mailto:TaylorME3@state.gov)>

**Cc:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>; Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Darrach, Tamara A <[DarrachTA@state.gov](mailto:DarrachTA@state.gov)>

**Subject:** Cats 1-3 points

Attached are some placeholder points [REDACTED] Let us know if you have any edits; [REDACTED]  
[REDACTED]

Marik

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Message

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/21/2019 12:39:46 PM  
**To:** Paul, Joshua M [PaulJM@state.gov]  
**Subject:** RE: Cats 1-3 points

[REDACTED]

---

**From:** Paul, Joshua M <PaulJM@state.gov>  
**Sent:** Thursday, March 21, 2019 7:24 AM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Cats 1-3 points

Sarah -- [REDACTED] Thanks.

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**To:** Heidema, Sarah J <HeidemaSJ@state.gov>; Paul, Joshua M <PaulJM@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Cats 1-3 points

Yes, works for me [REDACTED]

[REDACTED] Thanks, Marik

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**Sent:** Wednesday, March 20, 2019 3:29 PM  
**To:** Paul, Joshua M <PaulJM@state.gov>; String, Marik A <StringMA@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>  
**Subject:** RE: Cats 1-3 points

[REDACTED]

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**Sent:** Wednesday, March 20, 2019 3:16 PM  
**To:** String, Marik A <StringMA@state.gov>  
**Cc:** Miller, Michael F <MillerMF@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Cats 1-3 points

Commerce clears as attached - [REDACTED]

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**From:** Donnelly, Colleen G <[DonnellyCG@state.gov](mailto:DonnellyCG@state.gov)>

**Sent:** Monday, March 18, 2019 2:46 PM

**To:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>; Faulkner, Charles S <[FaulknerCS@state.gov](mailto:FaulknerCS@state.gov)>; Taylor, Mary Elizabeth <[TaylorME3@state.gov](mailto:TaylorME3@state.gov)>

**Cc:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>; Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Darrach, Tamara A <[DarrachTA@state.gov](mailto:DarrachTA@state.gov)>

**Subject:** RE: Cats 1-3 points

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**From:** String, Marik A <[StringMA@state.gov](mailto:StringMA@state.gov)>

**Sent:** Monday, March 18, 2019 2:37 PM

**To:** Donnelly, Colleen G <[DonnellyCG@state.gov](mailto:DonnellyCG@state.gov)>; Faulkner, Charles S <[FaulknerCS@state.gov](mailto:FaulknerCS@state.gov)>; Taylor, Mary Elizabeth <[TaylorME3@state.gov](mailto:TaylorME3@state.gov)>

**Cc:** Miller, Michael F <[Millermf@state.gov](mailto:Millermf@state.gov)>; Heidema, Sarah J <[HeidemaSJ@state.gov](mailto:HeidemaSJ@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Darrach, Tamara A <[DarrachTA@state.gov](mailto:DarrachTA@state.gov)>

**Subject:** Cats 1-3 points

Attached are some placeholder points [REDACTED] Let us know if you have any edits; [REDACTED]  
[REDACTED]

Marik

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## Message

**From:** Marquis, Matthew R [MarquisMR@state.gov]  
**Sent:** 3/21/2019 4:46:51 PM  
**To:** PM-DTCP-Tasking-DL [PM-DTCP-Tasking-DL@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; String, Marik A [StringMA@state.gov]; Miller, Michael F [MillerMF@state.gov]  
**Subject:** CPA Media Monitoring: UPI: 3D printers, gun blueprints could pose national security risk, experts say

**3D printers, gun blueprints could pose national security risk, experts say****By Justin Askenazy****20 March 2019**

In August 2015, Eric McGinnis was arrested for violently attacking his girlfriend. A judge issued a protective order that said McGinnis could not own a gun for two years.

Less than a year later, the Dallas native tried to purchase a gun, but a background check by the gun shop thwarted his attempt. Then, according to the U.S. Attorney's Office for the Northern District of Texas, McGinnis obtained various gun parts and created the firing mechanism through 3D printing, giving him a fully functional homemade AR-15 assault rifle.

In July 2017, police arrested him as he was firing the gun in the woods. They also found a "hit list" of politicians, both Democrat and Republican, hidden in his backpack.

McGinnis was sentenced in February to eight years in prison for unlawful possession of a gun and ammunition.

The growing use of 3D printers and rising number of 3D gun blueprints posted to the Internet are likely to make such schemes more common, lawmakers and national security experts fear.

Sen. Bob Menendez, D-N.J., last month announced an effort to keep the Trump administration from transferring control of foreign arms sales from the State Department to the Commerce Department, a move he said would ease restrictions on the online distribution of 3D gun blueprints.

"These changes defy common sense, undermine public safety and undercut our national security," Menendez said in a statement.

Under the proposed change, the State Department would no longer regulate small arms exports, under which 3D gun blueprints are categorized, meaning its strict rules would not apply to the transfer of blueprints online. The Commerce Department's rules regarding the dissemination of such information are more lax.

Menendez introduced legislation to maintain State Department control over the blueprints and prohibit people from posting them online. He and the five co-sponsors of the bill, all Democrats, said their main concern is to keep homemade weapons out of the hands of criminals.

"We need to stop the spread of these firearms before they become a public health crisis," Sen. Ed Markey, D-Mass., said.



Increased access to 3D printers and weapons blueprints also could allow terrorist groups and foreign nations to begin printing their own guns and explosive devices, according to a report released by the RAND Corporation last May.

The report highlights how the growth of 3D printing, or additive manufacturing, has "the potential to dramatically disrupt the prevailing state system and international order."

But the RAND researchers caution that terrorists are not yet capable of building effective weapons, saying the cost of a 3D printer capable of producing a weapon would be prohibitive.

"There's got to be a lot of things that happen before 3D printing is more cost-effective," said J. Luke Irwin, assistant policy researcher at RAND and a co-author of the report.

Irwin predicted it would take at least a decade for terrorists to develop the capacity to print fully functional weapons because the technology is still unreliable.

Right now, Irwin said, "anything they make could be dangerous [for them] to use."

He also said hackers, whether terrorists, countries or criminals, could disrupt 3D printers to create flaws in their products.

"It's not unlikely," Irwin said, giving an example of someone inserting a flaw or change into the printing of an airplane part with potentially deadly consequences.

However, according to Mike Beltran, director of the 3D printing lab at Northwestern University, most industrial printers have procedures that would prevent someone from remotely printing a part.

"In order to actually print something, I need to hit a couple sequences of buttons right in front of the machine," he said. "None of these machines will allow me to just directly" print an object.

While lawmakers are working to restrict access to gun blueprints, Irwin said the government is unlikely to restrict access to the 3D printers themselves because it would stifle innovation. He suggested that a system be created to identify an attacker through his printer. Each printer would have a unique identification associated with the raw materials it uses so anything created by that printer could be traced back to it.

"It would be a stronger deterrence than keeping printers out of people's hands," Irwin said.

Link: <https://www.upi.com/3D-printers-gun-blueprints-could-pose-national-security-risk-experts-say/7521553116530/>

---

**Matthew Marquis**

Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
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## Message

**From:** Marquis, Matthew R [MarquisMR@state.gov]  
**Sent:** 3/21/2019 8:51:11 PM  
**To:** Windecker, Melissa A [WindeckerMA@state.gov]; PM-Strategy [PM-Strategy@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; Brown, Stanley L [BrownSL@state.gov]; O'Keefe, Kevin P [OKeefeKP@state.gov]; Miller, Michael F [MillerMF@state.gov]; Mak, Daniella [MakD@state.gov]; Martin, Davette T [MartinDT@state.gov]; Dudding, Maria [DuddingM@state.gov]; Litzenberger, Earle D (Lee) [LitzenbergerED@state.gov]; Nute, Kathryn M [NuteKM3@state.gov]; McVerry, James [James.McVerry.ctr@dla.mil]; String, Marik A [StringMA@state.gov]; Phalen, Susan A [PhalenSA@state.gov]; chandrawhalenlaw@gmail.com  
**Subject:** CPA MEDIA MONITORING: 21 March 2019

**Alerts for 21 March 2019**

"A Rising China Is Driving the U.S. Army's New Game Plan in the Pacific", Part of the Army's efforts to deter China focuses on strengthening alliances and partnerships in the region as a counterweight to Beijing's increasing influence. This means more rotations of thousands of soldiers at a time from the mainland through short-term Pacific deployments, Brown said during the press conference.

"Two South Korean companies to pay \$127M in military fuel bid-rigging case", Two South Korean companies have agreed to plead guilty and pay about \$127 million in a bid-rigging case involving fuel-supply contracts for U.S. military bases on the divided peninsula, the Justice Department said.

"A New Age of Warfare: How Internet Mercenaries Do Battle for Authoritarian Governments", The firms have enabled governments not only to hack criminal elements like terrorist groups and drug cartels but also in some cases to act on darker impulses, targeting activists and journalists. Hackers trained by United States spy agencies caught American businesspeople and human rights workers in their net. Cybermercenaries working for DarkMatter turned a prosaic household item, a baby monitor, into a spy device.

"US military vet recounts arrests in Haiti to AP", An American security contractor at the center of a mysterious case roiling Haitian politics says that he and a group of fellow veterans were sent to Haiti on a mission to protect a businessman signing a more than \$50 million contract at the country's central bank.

"Trump says time for U.S. to recognize Israeli sovereignty over Golan", U.S. President Donald Trump said on Thursday it was time to back Israeli sovereignty over the Golan Heights, territory Israel seized from Syria in the 1967 Middle East War.

"U.S. envoy blames Houthis for Yemen peace deal delays", While the truce has largely held, the troop withdrawal by both parties has not materialized with each side blaming the other for lack of progress. The deal aimed to avert a full-scale assault on the port, a lifeline for millions of Yemenis.

"3D printers, gun blueprints could pose national security risk, experts say", Menendez introduced legislation to maintain State Department control over the blueprints and prohibit people from posting them online. He and the five co-sponsors of the bill, all Democrats, said their main concern is to keep homemade weapons out of the hands of criminals.

"The European Deterrence (Reassurance) Initiative sends the wrong message", In Washington, the European Deterrence Initiative, or EDI, is cast as a demonstration of America's commitment to our European allies. In reality, however, it's a duplicative program which functions as yet another U.S. entitlement to Europe — a



region composed of wealthy and economically vibrant countries amply equipped to take far more responsibility for their own national security.

“Iraq Prepares to Evict U.S. Troops”, Momentum is building among deputies in the Iraqi parliament to oust U.S. troops entirely from the country—an outcome that would leave Iraq’s political future in the hands of neighboring Iran and leave its citizens more vulnerable to the Islamic State.

“Dunford says F-35 can’t coexist in Turkey with Russian missile defense system”, Chairman of the Joint Chiefs of Staff Gen. Joseph Dunford said today the Trump administration and Congress are "going to have a hard time reconciling" the presence of the Russian-made S-400 anti-aircraft missile and the F-35 Joint Strike Fighter in Turkey, but stopped short of saying he would recommend pausing deliveries of the aircraft.

“Opinion: Why Franco-German Fighter Is A Very Bad Idea”, Superficially, this makes sense. Germany and France are the core Airbus countries, and the two countries’ militaries constitute the largest fighter markets in Europe, outside of the UK. France has the most capable military industry on the continent. Yet there are also several flaws with this joint project, flaws serious enough to kill the aircraft before it gets off the ground.

“Airbus Defence & Space has been awarded a contract to produce a single C295 medium transport for Kazakhstan's border service.”, Announcing the commitment on 21 March, the European airframer says the asset will be employed for duties including "border control activities and homeland security operations". A delivery schedule has not been revealed.

“Pentagon sends B-52 bombers to Europe for exercises amid tensions with Russia”, The move is widely viewed as a message to the Kremlin as Moscow makes aggressive moves in the region, CNN noted in a report on Thursday, adding that four of the nuclear-capable bombers conducted flights around Europe, near the Norwegian, Baltic and the Mediterranean seas, on Monday.

“UN council visits crisis-hit Sahel amid Franco-US rift”, The United States has bilaterally contributed \$111 million to the Sahel force made up of troops from Burkina Faso, Chad, Mali, Mauritania and Niger, but opposes regular annual funding through UN channels.

“Inside Trump’s escalating war on terror in Africa”, The reduction in deployed troops, coupled with the record-setting number of airstrikes, suggests the administration is quietly pursuing a new strategy in Africa and in Somalia specifically, one that centers on using drones and manned aircraft to target terrorist groups more aggressively while avoiding the ground combat and the possibility of new American casualties.

“Israeli Army Warns of New Hezbollah Threat”, The force that Ali Musa Daqduq is building could be used to widen a front with Israel in case of another clash with Lebanon. Hezbollah also could launch attacks only from Syrian territory in an effort to spare Lebanon from painful Israeli retaliations, Yoram Schweitzer of the Institute for National Security Studies in Tel Aviv said in an interview.

“Defense Contractor and DIA Case Officer Who Spied for China Pleads Guilty”, The criminal complaint detailed how Hansen lived and worked in China from 2007 until 2011. Two of his “business partners” were identified as Chinese intelligence officers. From 2007-2018 he attended trade shows for the purpose of targeting technology and personnel on behalf of China. The criminal complaint charged him with violating ITAR regulations in sharing controlled technologies with China.

“US, Nigeria intensify efforts to tackle piracy, others”, Now in its ninth year, Obangame Express is an annual multinational maritime exercise designed to improve cooperation among the participating nations in order to increase maritime safety and security in the Gulf of Guinea.



“Cambodia strengthens military ties with the US”, Samnang said the agreement focuses on humanitarian work – including the training of Cambodian peacekeeping forces – health programmes and the training of senior Royal Cambodian Armed Forces officers at the Institute of Asia-Pacific Security in Hawaii, the US.

“Responding to Turkey’s Purchase of Russia’s S-400 Missile System”, Turkey is likely to continue to pursue a more assertive, independent foreign policy with less deference to its Western partners. The United States and its allies should face this unfortunate reality and prepare—identifying which core interests warrant a hardline approach, clearly communicating red lines to Turkey, and hedging security investments to prepare for the worst-case scenario. The S-400 decision should be one of those red lines.

“Helping Saudi Arabia bomb Yemen is not a plan for peace”, Prolonging U.S. assistance to this disastrous intervention will not, as Pompeo says, “alleviate the Yemeni people’s suffering.” It will do precisely the opposite. It will also accomplish exactly nothing for American security and interests. Backing Riyadh’s fight is hurting Yemen without helping us.

“Lockheed Martin awarded \$264M for Korea’s F-35 Lightning II program”, It is expected that the first two F-35A stealth fighter jets will start to deliver to Chongju Air Base in March 2019 to meet South Korea’s national security requirements.

“US should sanction Hezbollah-controlled govts. to counter attack tunnels in Lebanon”, The United States should condition this aid on the LAF no longer obstructing UNIFIL’s mission and making verifiable progress in fulfilling its obligation to dismantle Hezbollah’s illegal military infrastructure. The Trump administration recently placed comparable conditions on its far larger military aid package to Pakistan.

“U.S. military may join Mozambique cyclone rescue, aid agencies told”, U.S. military teams could join the cyclone rescue effort in Mozambique, a representative of the U.S. Agency for International Development (USAID) said, according to the minutes of a humanitarian meeting published on Thursday.

“America’s Fighter Jet Makers Are Thriving. Thanks to Trump and Putin”, American-made fighter jets, once facing extinction, have seen a resurgence in sales, thanks largely to Donald Trump and Vladimir Putin. Add to that Middle Eastern nations arming for potential war with Iran and there may be more than \$80 billion in new or potential sales for F-15s, F-16s, and F/A-18s worldwide.

“The Myth of the Export Fighter”, The historical record also suggests that foreign partners will be interested in purchasing a combat capability provided by conventional forces, and not a niche capability used by special operations. The conditions are changed only when the U.S. provides the aircraft as foreign assistance, which also seems unlikely in the case of the OA-X. Only the establishment of a real, credible and combat-effective OA-X capability can support the goal of expanding Air Force offerings to include an affordable, exportable combat aircraft.

“Exclusive: U.S. may soon pause preparations for delivering F-35s to Turkey”, The United States could soon freeze preparations for delivering F-35 fighter jets to Turkey, officials told Reuters, in what would be the strongest signal yet by Washington that Ankara cannot have both the advanced aircraft and Russia’s S-400 air defense system.

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**Matthew Marquis**  
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U.S. Department of State

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Message

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**From:** McKeeby, David I [McKeebyDI@state.gov]  
**Sent:** 3/22/2019 4:03:21 PM  
**To:** PM-DDTC-Directors-DL [PM-DDTC-Directors-DL@state.gov]  
**CC:** PM-CPA [PM-CPA@state.gov]; Windecker, Melissa A [WindeckerMA@state.gov]; Brown, Stanley L [BrownSL@state.gov]; String, Marik A [StringMA@state.gov]  
**Subject:** Flagging -- HFAC Cats I-III Private Experts Hearing Publicly Announced...

# HEARINGS

## Proposed Small Arms Transfers: Big Implications for U.S. Foreign Policy

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March 26, 2019 10:00 AM

**Location:** 2200 Rayburn House Office Building, Washington, DC 20515  
**Subcommittee:** Oversight and Investigations

## Witnesses

### Panel I

**The Honorable Norma J. Torres**  
Member of Congress (D-CA)

### Panel II

**Mr. Jeff Abramson**

Senior Fellow for Arms Control and Conventional Arms Transfers, The Arms Control Association

**Susan Waltz, Ph.D.**

Professor, Gerald R. Ford School of Public Policy, University of Michigan

**Ms. Johanna Reeves**

Executive Director, F.A.I.R. Trade Group

## Documents

- Hearing notice



Permalink: <https://foreignaffairs.house.gov/2019/3/proposed-small-arms-transfers-big-implications-for-u-s-foreign-policy>

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**David I. McKeeby**

Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

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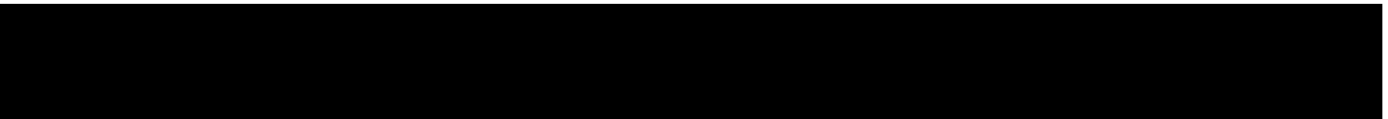
Message

**From:** McKeeby, David I [McKeebyDI@state.gov]  
**Sent:** 3/22/2019 4:32:21 PM  
**To:** Hamilton, Catherine E [HamiltonCE@state.gov]; Douville, Alex J [DouvilleAJ@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Monjay, Robert [MonjayR@state.gov]; Hart, Robert L [HartRL@state.gov]  
**CC:** Darrach, Tamara A [DarrachTA@state.gov]  
**Subject:** HOT!: Request for review -- Members' paper for subcommittee hearing on CATS I, II and III  
**Attachments:** 20190326 -- O&I Subcommittee Hearing on Cats I, II and III.docx

**Importance:** High

**\*CLOSE HOLD\***

Colleagues:



Thanks,  
Dave

---

**David I. McKeeby**  
Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]  
✉ e-mail: [mckeebydi@state.gov](mailto:mckeebydi@state.gov) | 🌐 Web: <https://www.state.gov/t/pm> | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

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Message

**From:** Monjay, Robert [MonjayR@state.gov]  
**Sent:** 3/22/2019 4:52:13 PM  
**To:** Hamilton, Catherine E [HamiltonCE@state.gov]; Douville, Alex J [DouvilleAJ@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]; Hart, Robert L [HartRL@state.gov]; McKeeby, David I [McKeebyDI@state.gov]  
**CC:** Darrach, Tamara A [DarrachTA@state.gov]  
**Subject:** Re: HOT!: Request for review -- Members' paper for subcommittee hearing on CATS I, II and III

Robert Monjay  
202-663-2817 (office)  
[REDACTED] (mobile)

---

**From:** McKeeby, David I  
**Sent:** Friday, March 22, 2019 9:32:21 AM  
**To:** Hamilton, Catherine E; Douville, Alex J; Heidema, Sarah J; Monjay, Robert; Hart, Robert L  
**Cc:** Darrach, Tamara A  
**Subject:** HOT!: Request for review -- Members' paper for subcommittee hearing on CATS I, II and III

**\*CLOSE HOLD\***

Colleagues:

Thanks,  
Dave

---

**David I. McKeeby**  
Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]  
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Message

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**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/22/2019 6:33:00 PM  
**To:** McKeeby, David I [McKeebyDI@state.gov]  
**Subject:** 20190326 -- OI Subcommittee Hearing on Cats I II and III  
**Attachments:** 20190326 -- OI Subcommittee Hearing on Cats I II and III.docx

My line in thoughts



## Message

**From:** Jim Bartlett, Full Circle Compliance ("FCC") [jebartlett@fullcirclecompliance.eu]  
**Sent:** 3/22/2019 7:32:58 PM  
**To:** hartrl@state.gov  
**Subject:** 19-0322 Friday "Daily Bugle"

Friday, 22 March 2019



The Daily Bugle is a free daily newsletter from Full Circle Compliance, containing changes to export/import regulations (ATF, DOE/NRC, Customs, NISPOM, EAR, FACR/OFAC, FAR/DFARS, FTR/AES, HTSUS, and ITAR), plus news and events. [Subscribe here](#) for free subscription. [Contact us](#) for advertising inquiries and rates.

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#### **EX/IM TRAINING EVENTS & CONFERENCES**

19.

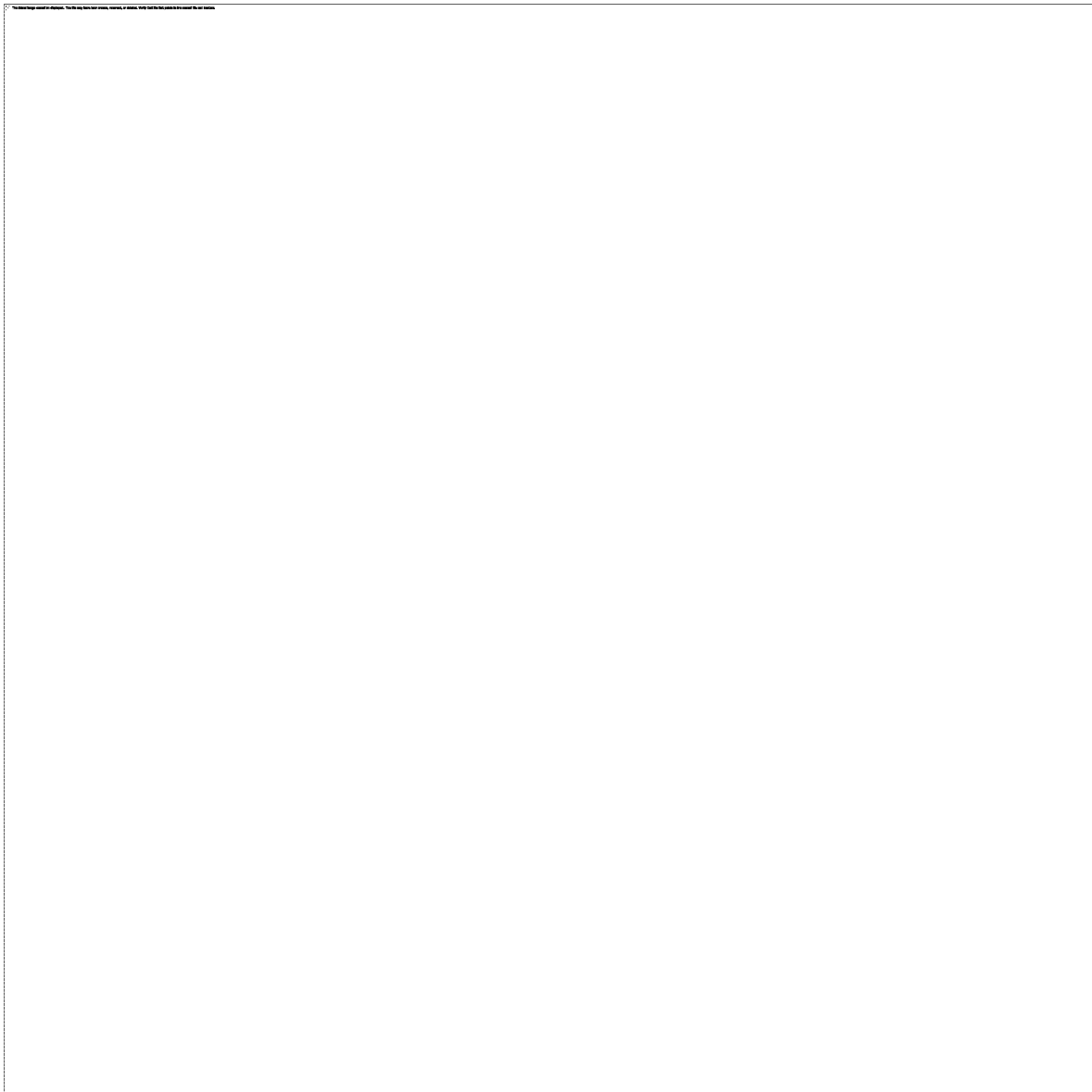
[ECS Presents "2nd Annual ECS ITAR/EAR Symposium and Boot Camp" on 17-19 Sep in Annapolis, MD](#)

20. [FCC Presents "An Introduction to EU / Dutch Dual-Use and Military Export Controls", 7 May in Bruchem, the Netherlands](#)
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23. [Are Your Copies of Regulations Up to Date? Latest Amendments: DHS/Customs \(12 Mar 2019\), DOC/EAR \(20 Dec 2018\), DOC/FTR \(24 Apr 2018\), DOD/NISPOM \(18 May 2016\), DOE/AFAEC \(23 Feb 2015\), DOE/EINEM \(20 Nov 2018\), DOJ/ATF \(14 Mar 2019\), DOS/ITAR \(19 Mar 2018\), DOT/FACR/OFAC \(15 Mar 2019\), HTSUS \(7 Mar 2019\)](#)
24. [Weekly Highlights of the Daily Bugle Top Stories](#)





#### ITEMS FROM TODAY'S FEDERAL REGISTER



1. USTR Announces Modifications to Rules of Origin of the United States Morocco Free Trade Agreement  
(Source: [Federal Register](#), 22 Mar 2019.)

84 FR 10883: Effective Date of Modifications to Rules of Origin of the United States Morocco Free Trade Agreement



- \* AGENCY: Office of the United States Trade Representative.
- \* ACTION: Notice.
- \* SUMMARY: In December 2018, the President modified the rules of origin for certain goods of Morocco under the United States-Morocco Free Trade Agreement (USMFTA). This notice announces the effective date for those modifications.
- \* DATES: **This notice is applicable on April 1, 2019.**
- \* FOR FURTHER INFORMATION CONTACT: Janet Heinzen, Deputy Assistant U.S. Trade Representative for Textiles, at 202-395-6092 or [janet.e.heinzen@ustr.eop.gov](mailto:janet.e.heinzen@ustr.eop.gov).
- \* SUPPLEMENTARY INFORMATION: ...

In 2015 and 2016, the Government of Morocco submitted requests to modify certain textile and apparel rules of origin based on commercial availability of specific inputs. Following public comment on the proposed rules changes, the United States and Morocco reached agreement to modify certain rules of origin. Pursuant to the USMFTA Implementation Act, the International Trade Commission conducted an economic impact review and concluded that the impact on U.S. imports, exports, and production of the proposed modifications would be negligible. The Industry Trade Advisory Committee on Textiles and Clothing did not object to the proposed modifications. Congress also did object during the consultation and layover process.

In Proclamation 9834 of December 21, 2018, the President determined pursuant to section 203 of the USMFTA Implementation Act, that the subject modifications to the HTSUS were appropriate and modified general note 27 to the HTSUS with respect to goods of Morocco. The modifications are effective with respect to goods of Morocco entered or withdrawn from warehouse for consumption on the date announced by the United States Trade Representative in the Federal Register.

On March 4, 2019, Morocco notified the United States that it had completed its domestic procedures to give effect to the agreement to change the USMFTA rules of origin for certain apparel goods of specified fabrics with respect to goods of the United States. Subsequently, Morocco and the United States agreed to implement these changes with respect to each other's eligible goods, effective April 1, 2019.

William Jackson, Assistant U.S. Trade Representative for Textiles, Office of the U.S. Trade Representative.

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## OTHER GOVERNMENT SOURCES



## 2. Items Scheduled for Publication in Future Federal Register Editions

(Source: [Federal Register](#))

- \* Commerce; Industry and Security Bureau; NOTICES; Agency Information



Collection Activities; Proposals, Submissions, and Approvals: Special Priorities Assistance [Pub. Date: 25 Mar 2019.]

\* Treasury; Foreign Assets Control Office; NOTICES; Blocking or Unblocking of Persons and Properties [Pub. Date: 25 Mar 2019.]

\* U.S. Trade Representative; NOTICES; 2019 Generalized System of Preferences: Annual GSP Product and Country Review; Deadline for Filing Petitions [Pub. Date: 25 Mar 2019.]

\* U.S. Trade Representative; NOTICES; Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation [Pub. Date: 25 Mar 2019.]

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### 3. Commerce/BIS: (No new postings.)

(Source: [Commerce/BIS](#))

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### 4. DHS/CBP Posts Notice on Common Create/Update Importer Identity Form ACE Error Message Solutions

(Source: [CSMS 19-000146](#), 21 Mar 2019.)

CBP is providing a list of solutions for the most common errors that are being experienced with inputting the Create/Update Importer Identity Form (CBP Form 5106).

#### *Error Message PDM - Data Element PATTERN UNKNOWN*

Solution: Many create/update importer record requests are being submitted with phone numbers that include dashes in the TD record. Phone numbers should be provided in the TD record as either an unseparated group of numbers, example 1234567899, or with spaces, example 123 456 7899.

Another input mistake that can cause the PDM error is not providing names in the TL record (Certification) with commas, per the Create/Update Importer Identity Form CATAIR's instructions. For example, "John Weer Doe" needs to be provided in the TL record as "Doe, John, W". The CATAIR can be accessed on [cbp.gov](#).

#### *Error Message MVM - Data Element MISSING*

Solution: Many of the CBP Form 5106s being uploaded to CBP are missing a title in the TL record for the individual certifying the form. This data element is the "Printed or Typed Full Name" block in section 4 of the new CBP Form 5106.



Both a name and title are mandatory data elements on the revised CBP Form 5106.

*Error Message R05 - IMPORTER NUMBER ALREADY ON FILE*

Solution: This error is being caused by Importer of Record (IOR) creation being requested for IORs that already exist. Entities or their representatives should ensure that they are selecting the correct type of action, "Notification of identification number" (create), "Change of Name" (update), and "Change of Address" (update), when submitting a Create/Update Importer Identity request.

Please note, information on existing IOR numbers can potentially be obtained from the [5106@cbp.dhs.gov](mailto:5106@cbp.dhs.gov) mailbox by an IOR's owner or individuals representing the IOR with an active Power of Attorney.

*Error Message X39 - DATA FOUND IN FILLER*

Solution: Refer to "ACE Draft CATAIR: Importer/Consignee Create/Update" on [cbp.gov](http://cbp.gov) and ensure that the data being input in the new ACE CBP Form 5106 Automated Broker Interface/EDI is not being accidentally entered into a portion of a record that can only be occupied by "space fill". For example, if the Alternate Importer Name provided in the TA record exceeds 32 characters, the additional characters will overflow into the filler record which will cause an X39 error. Records that have a filler component that can only contain "space fill", as outlined by the "ACE Draft CATAIR: Importer/Consignee Create/Update", are TA, T3, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN. The CATAIR can be accessed on [cbp.gov](http://cbp.gov).

An error message dictionary for the Create/Update Importer Identity Form (CBP Form 5106) functionality can be found on [cbp.gov](http://cbp.gov).

Questions or concerns about CBP Form 5106 ACE error messages should be sent to [5106@cbp.dhs.gov](mailto:5106@cbp.dhs.gov).

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## 5. Justice: "Australian National Sentenced to Prison Term For Exporting Electronics to Iran"

(Source: [Justice](#), 21 Mar 2019.) [Excerpts.]

An Australian man was sentenced today to 24 months in prison on four counts of violations of the International Emergency Economic Powers Act, which criminalizes knowing transactions with Iranian entities without a license from the U.S. Department of Treasury.

David Russell Levick, 57, of Cherrybrook NSW, Australia, pled guilty to the charges on Feb. 1, 2019, in the U.S. District Court for the District of Columbia. He was sentenced by the Honorable James E. Boasberg. In addition to the



prison term, Levick must pay a forfeiture amount of \$199,227, which represents the total value of the goods involved in the illegal transactions. Following completion of his prison term, Levick will be subject to deportation proceedings. ...

According to the plea documents, Levick was the general manager of ICM Components, Inc., located in Thornleigh Australia. He solicited purchase orders and business for the goods from a representative of a trading company in Iran. This person in Iran, referenced in court documents as "Iranian A," also operated and controlled companies in Malaysia that acted as intermediaries for the Iranian trading company.

Levick then placed orders with U.S. companies on behalf of "Iranian A" for the goods, which were aircraft parts and other items that "Iranian A" could not have directly purchased from the United States without the permission of the U.S. government.

The defendant admitted to procuring or attempting to procure the following items for transshipment to Iran, each of which required a license from the Treasury Department prior to any export to Iran:

- Precision Pressure Transducers. These are sensor devices that have a wide variety of applications in the avionics industry, among others, and can be used for altitude measurements, laboratory testing, measuring instrumentations and recording barometric pressure.
- Emergency Floatation System Kits. These kits contained a landing gear, float bags, composite cylinder and a complete electrical installation kit. Such float kits were designed for use on Bell 206 helicopters to assist the helicopter when landing in either water or soft desert terrain.
- Shock Mounted Light Assemblies. These items are packages of lights and mounting equipment designed for high vibration use and which can be used on helicopters and other fixed wing aircraft.

When necessary, Levick used a broker in Tarpon Springs, Florida, through whom orders could be placed for the parts to further conceal the fact that the parts were intended for transshipment to "Iranian A" in Iran. Levick intentionally concealed the ultimate end-use and end-users of the parts from manufacturers, distributors, shippers, and freight forwarders located in the United States and elsewhere. In addition, Levick and others structured their payments between each other for the parts to avoid trade restrictions imposed on Iranian financial institutions by other countries. Levick and ICM wired money to companies located in the United States as payment for the parts.

The activities took place in 2007 and 2008. Levick was indicted in February 2012. At the request of the United States, Australia arrested him for the purposes of extradition, and Australia extradited him to the United States in December 2018. He has remained in custody here. ...

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## 6. State/DDTC: (No new postings.)

(Source: [State/DDTC](#))

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## 7. Treasury/OFAC P Updates Guidance on Addressing North Korea's Illicit Shipping Practices

(Source: [Treasury/OFAC](#), 21 Mar 2019.) [Excerpts.]

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC), with the U.S. Department of State and the U.S. Coast Guard, is updating the advisory published on February 23, 2018. This advisory provides new information about North Korea's deceptive shipping practices, additional guidance on how to mitigate the risk of involvement in these practices, a new graphic depicting certain ports of call, and three new annexes. The U.S. government recommends that all parties involved in the shipping industry and related commercial entities, including ship owners, managers, and operators, brokers, flag registries, oil companies, port operators, shipping companies, classification service providers, insurance companies, and financial institutions - be aware of the practices set out in this advisory in order to implement appropriate controls to identify North Korea's illicit shipping practices.

Despite robust U.S. and United Nations (UN) sanctions on North Korea, North Korea continues to evade sanctions, particularly through illicit ship-to-ship transfers of refined petroleum and coal. In 2018, North Korean ports received at least 263 tanker deliveries of refined petroleum procured from UN-prohibited ship-to-ship transfers. If these tankers were fully laden when they made their delivery, North Korea would have imported 3.78 million barrels, or more than seven and a half times the allowable amount of refined petroleum (i.e., 500,000 barrels/year) under UN Security Council Resolution (UNSCR) 2397.

In addition to continued illicit imports of refined petroleum, North Korea has resumed exports of coal in the Gulf of Tonkin. UNSCR 2371, adopted in August 2017, prohibits the procurement of North Korean-origin coal, and UNSCR 2397, adopted in December 2017, acknowledges that the proceeds of North Korea's trade in sectoral goods, including coal, contribute to the regime's nuclear weapons and ballistic missile programs. The United States will continue to use its sanctions authorities to target persons in various industries, including, but not limited to, the shipping industry that further North Korea's illicit revenue-generating schemes that fund the regime's nuclear weapons and ballistic missile programs.

This advisory now contains five annexes, three of which are new. The first provides an overview of U.S. and UN sanctions relevant to the shipping industry, including a non-exhaustive list of bases for which persons may be sanctioned by OFAC. The second provides an updated list of 28 North Korean tankers known to be capable of engaging in ship-to-ship transfers of refined



petroleum products and other banned goods. The new third annex provides specific guidance for UN Member States and relevant industry actors on best practices to avoid engaging in North Korea-related illicit activities. The new fourth annex provides a list of 18 vessels that are believed to have engaged in illicit ship-to-ship transfers of refined petroleum with North Korean tanker vessels. The new fifth annex provides a list of 49 vessels that are believed to have exported North Korean-origin coal.

The United States, along with Australia, Canada, France, Italy, Japan, and the United Kingdom, have highlighted these deceptive practices at the International Maritime Organization (IMO) to call all IMO Member States' attention to these deceptive shipping practices, and to remind all Members States of the requirements and guidance contained in relevant IMO instruments. The IMO consequently issued Circular MSC.1/Circ. 1602 on March 5, 2019, to call the attention of all Member States and other maritime industry stakeholders to North Korea's deceptive practices. The United States requests that UN Member States, port state control authorities, and flag registries provide this advisory to all relevant persons in their jurisdictions. ...

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## 8. EU Amends Restrictive Measures Concerning Bosnia and Herzegovina & Egypt

(Source: [Official Journal of the European Union](#), 22 Mar 2019.)

### *Regulations:*

\* [Council Implementing Regulation \(EU\) 2019/459](#) of 21 March 2019 implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

### *Decisions:*

\* [Council Decision \(CFSP\) 2019/467](#) of 21 March 2019 amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina

\* [Council Decision \(CFSP\) 2019/468](#) of 21 March 2019 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

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## 9. German BAFA Publishes Preliminary Information on the Renewal and Amendment of Multiple General Authorizations

(Source: [German BAFA](#), 21 Mar 2019.)

The German Federal Office for Economic Affairs and Export Control (BAFA) published preliminary information on the renewal and amendment of General



Authorizations No. 18 to 27 and No. 30.

BAFA intends to extend General Authorizations No. 18 to No. 27 and No. 30 until 31.03.2020.

More details on all German General Export Authorizations can be found [here](#).

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## 10. UK/OFSI Updates Three Sanctions Guidance Documents

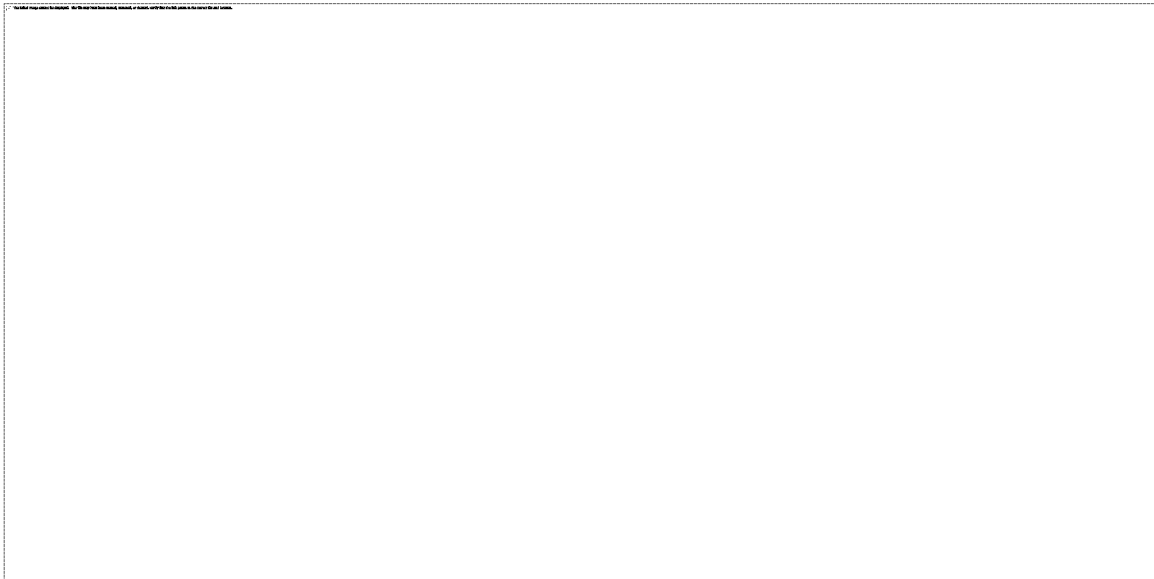
(Source: [UK/OFSI](#), 21 Mar 2019.)

The UK Office of Financial Sanctions Implementation (OFSI) has updated several of its guidance documents:

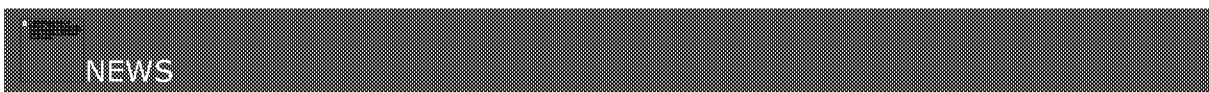
- [UK Sanctions on Zimbabwe](#)
- [UK Sanctions on the Republic of Belarus](#)
- [UK Sanctions if there's no Brexit deal](#)
- [Financial Sanctions Notice on Iraq](#)

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## 11. Expeditors News: "European Council Extends the UK Withdrawal from the EU"

(Source: [Expeditors News](#), 22 Mar 2019.)

On March 21, 2019, the European Council agreed to an extension on the United Kingdom (UK) withdrawing from the European Union (EU).

The European Council extended the withdrawal date to April 12, 2019, unless the UK's House of Commons approves the withdrawal agreement by next week. In that instance, the European Council has agreed to an extension until May 22, 2019.

The European Council's press release may be found [here](#).

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## 12. Osburn Oracle: "US Judge Extends Ban on Publication of 3D Printed Gun Blueprints"

(Source: [Osburn Oracle](#), 21 Mar 2019.)

A US judge extended a ban on publishing blueprints for 3D printed guns online, handing a procedural victory to states and gun-control groups that argue the practice will make it easy for criminals and terrorists to get their hands on untraceable firearms.

The injunction against Austin, Texas-based Defense Distributed was issued Monday by US District Judge Robert Lasnik in Seattle, where 19 states and Washington, DC, to block it from making technical plans for an array of guns available globally on the internet with the government's blessing. The injunction will remain in place until the suit is resolved.

The 3D printing of guns gained urgency after Defense Distributed reached a surprise settlement with President Donald Trump's administration resolving a 2015 government challenge. Former President Barack Obama's administration had sued the firm on national-security grounds, alleging the publishing of gun schematics violated the federal Arms Export Control Act.

Trump said in July that allowing unfettered public access to instructions for making guns with 3D printers doesn't "seem to make much sense" but hasn't fought to stop it.

In Monday's ruling, Lasnik criticized the government's argument that the states won't be harmed by publication of the blueprints because the federal government is committed to battling undetectable firearms. The "very purpose" of Defense Distributed's plan is to "arm every citizen outside of the government's traditional control mechanisms," the judge said.

"It is the untraceable and undetectable nature of these small firearms that



poses a unique danger," Lasnik said. "Promising to detect the undetectable while at the same time removing a significant regulatory hurdle to the proliferation of these weapons - both domestically and internationally - rings hollow and in no way ameliorates, much less avoids, the harms that are likely to befall the states if an injunction is not issued."

Josh Blackman, a lawyer for Defense Distributed, said the company is reviewing the decision and considering all its options.

The ruling was hailed by New York Attorney General Barbara Underwood in a statement on Twitter.

Avery Gardiner, co-president of the Brady Campaign to Prevent Gun Violence, said the decision is "an unqualified success for the American public and, indeed, the global community.

"3D-printed guns represent a supreme threat to our safety and security, and we are grateful that Judge Lasnik recognized it as such," Gardiner said in a statement.

The Trump administration once appeared to back Obama's stance. In April, the US urged dismissal of the company's lawsuit, highlighting the "potentially devastating" implications of online gun designs getting into the hands of terrorists, according to the Brady Center.

Weeks later, the government offered a settlement which gave the plaintiffs "everything they asked for, and more," the Brady Center said. The US agreed to pay the company almost \$40,000, a court filing shows.

"I'm glad we put a stop to this dangerous policy," Washington State Attorney General Bob Ferguson said in an emailed statement. "But I have to ask a simple question: Why is the Trump Administration working so hard to allow these untraceable, undetectable, 3D-printed guns to be available to domestic abusers, felons and terrorists?"

The State Department, which struck the deal with Defense Distributed, is also named in the suit. The US changed the regulation after deciding firearms up to .50 calibre "would not provide a military advantage to adversaries and therefore no longer warrant export control," according to the ruling.

The US's argument that the federal government is limited in the matter to exports while the states' concerns are "purely domestic," according to Monday's ruling.

"Defendants' argument is so myopic and restrictive as to be unreasonable," Lasnik said. "Whatever defendants' statutory authority, the fact is that the internet is both domestic and international."

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### 13. Reuters: "Trump Says He Is Withdrawing Earlier North Korea-Related Sanctions"

(Source: [Reuters](#), 22 Mar 2019.)

U.S. President Donald Trump on Friday said he was ordering the withdrawal of recently announced North Korea-related sanctions imposed by the U.S. Treasury Department.

"It was announced today by the U.S. Treasury that additional large-scale Sanctions would be added to those already existing Sanctions on North Korea," Trump said on Twitter. "I have today ordered the withdrawal of those additional Sanctions!"

It was not immediately clear what sanctions Trump was referring to. There were no new U.S. sanctions on North Korea announced on Friday but on Thursday the United States blacklisted two Chinese shipping companies that it said helped North Korea evade sanctions over its nuclear weapons program.

White House spokeswoman Sarah Sanders did not specify which sanctions Trump spoke of but said: "President Trump likes Chairman Kim (Jong Un) and he doesn't think these sanctions will be necessary."

The sanctions on the Chinese shippers were the first since the second U.S.-North Korea summit broke down last month. Hours after the sanctions announcement, North Korea on Friday pulled out of a liaison office with the South, a major setback for Seoul.

North Korea said it was quitting the joint liaison office set up in September in the border city of Kaesong after a historic summit between leader Kim Jong Un and South Korea's President Moon Jae-in early last year.

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### 14. ST&R Trade Report: "Tariffs to Remain in Place After China Deal, Trump Says"

(Source: [Sandler, Travis & Rosenberg Trade Report](#), 22 Mar 2019.)

President Trump indicated this week that higher tariffs on \$250 billion worth of goods imported from China will remain in place for the foreseeable future. The president's stance could complicate efforts to secure a bilateral trade agreement.

Senior U.S. officials will travel to Beijing next week to continue negotiations on an agreement aimed at resolving issues such as forced technology transfer, intellectual property rights, currency, and agriculture. Chinese officials could follow up with a visit to Washington in early April and presidents Trump and Xi Jinping could meet in late April to conclude a deal.



According to press sources, one of the key issues negotiators have struggled with in recent weeks has been enforcement; i.e., measures the U.S. could take if China does not comply with the commitments it makes in any final agreement. Trump administration officials have indicated a preference for reimposing tariffs in such a case, with no retaliatory tariffs allowed by China.

However, Trump said March 20 that "we're not talking about removing" the existing tariffs but instead are talking about "leaving them for a substantial period of time ... to make sure that ... China lives by the deal." A Washington Post article notes that this approach is not new for Trump, as he has maintained tariffs on steel and aluminum imports from Canada and Mexico even after reaching agreement with them on revisions to NAFTA.

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## COMMENTARY



### 15. International Trade Compliance Blog: "EU-Commission Opens Consultation of EU-US Regulatory Cooperation"

(Source: [Baker McKenzie](#), 18 Mar 2019.)

The European Commission has opened a [consultation](#) with stakeholders relating to regulatory cooperation activities with the United States as a follow up to the 25 July 2018 meeting between the President of the US and the President of the European Commission. An [interim progress](#) report was published on 30 January, providing a detailed overview on the state of the work of the Executive Working Group, which was formed after the July meeting, and lists a number of concrete actions where regulatory cooperation can facilitate transatlantic trade such as pharmaceuticals, medical devices and cybersecurity, by lowering regulatory barriers. Similar progress reports will be published at regular intervals as the discussions with the US progress. Stakeholder input will be instrumental to making progress and identify solutions that allow us to facilitate trade while maintaining, if not enhancing, levels of regulatory protection.

The European Commission is inviting comments from all interested stakeholder groups on potential areas for regulatory co-operation with the United States. In particular, comments in the following areas are welcome:

- Conformity Assessment: a possible future agreement on conformity assessment aiming at a horizontal approach to facilitate the acceptance of certificates issued by the conformity assessment bodies of the other Party in a number of selected sectors such as electric and electronic equipment,



machinery, medical devices, toys, recreational crafts, pressure equipment, construction products, measuring instruments etc. In this regard, the Commission would welcome input by stakeholders, in particular on the barriers exporters face and the difficulties that conformity assessment bodies face in seeking accreditation in the other party;

- Dialogue on standards: the EU and the US for historical reasons adopted divergent standards in many sectors, leading to high adaptation costs for exporters. In order to facilitate trade in the future and increase regulatory convergence, cooperation on standards would focus especially on areas where no standards exist yet. Additive manufacturing, robotics and technical textiles have been identified as possible areas of cooperation. The Commission is also interested in receiving stakeholder input regarding other possible standard areas where such cooperation could bring trade benefits.

- Regulatory cooperation in sectors: the Commission would want to receive stakeholder input on concrete initiatives for regulatory cooperation in sectors with the potential of facilitating bilateral trade, while fully respecting EU levels of protection.

The closing date for the consultation is 23 April 2019. The European Commission will make public all written submissions received in response to this call for proposals. Submissions should be made to: [TRADE-EU-US-REG-COOP-CONSULTATION@ec.europa.eu](mailto:TRADE-EU-US-REG-COOP-CONSULTATION@ec.europa.eu).

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16. L. Caponetti: "The Belgian Trade Control System: Legislation by Items-Category and Competent Authority" (Source: [ESU/ULG](#), 20 Mar 2019.)

\*Author: Lia Caponetti, Researcher, European Studies Unit (ESU), University of Liège (ULG), +32 4 366 46 84, [lcaponetti@uliege.be](mailto:lcaponetti@uliege.be).

This table sums up legislation in force in Belgium for the following categories of controlled items:

- Conventional weapons;
- Dual-use goods and technologies;
- Goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

The table breaks down the legislation in force by category of controlled items and by competent authority.

The Special Law of 12 August 2003 transfers the competence for arms and dual-use items licensing to the Regions, except the transfer of goods originating from the Belgian military or police.

More precisely, the Special Law transfers to the Regions: "The import, export and transit of arms, ammunition and equipment specifically intended for



military or law enforcement use and related technology as well as dual-use goods and technology, without prejudice to the federal competence for import and export concerning the army and police and in accordance with the criteria laid down in the European Union Code of Conduct on Arms Exports".

It follows that Regions have a competence in licensing operations clearly listed in the Special Law (import, export and transit), while not listed operations, such as brokering activities, remain a Federal competence.

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## 17. M. Hamilton: "Empowered Officials Are Necessary for ITAR Compliance

(Source: [Tucker Arensberg](#), 20 Mar 2019.)

\* Author: Mark Hamilton, Esq., Tucker Arensberg Attorneys, [mhamilton@tuckerlaw.com](mailto:mhamilton@tuckerlaw.com).

The International Traffic in Arms Regulations (ITAR) requires companies to appoint Empowered Officials. See [22 CFR § 120.25](#). Failure to take this requirement seriously can be costly - as [one company](#) recently found out. Here's what you need to know.

An Empowered Official must be a lawful permanent US resident that:

- (1) Your company or its subsidiary directly employs in a position of authority pertaining to your company's policy or management;
- (2) This person must be given written legal authority to sign license applications or other such requests for your company;
- (3) This person must understand the relevant export control regimes, including the criminal, civil and administrative penalties for violations of both ITAR and the Arms Export Control Act; and
- (4) This person must have independent authority to:
  - (i) Make inquiries into your company's export, import and brokering activity;
  - (ii) Verify the legality of transactions and accuracy of information submitted on behalf of your company; and
  - (iii) Refuse to sign license applications or other requests without penalty or repercussion.

As you can see, the U.S. Government takes this requirement seriously. So your company's decision to appoint an Empowered Official should be carefully made and this person needs to be given the requisite authority and training to fulfill your company's responsibilities under the statute.

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## 18. M. Volkov: "Ethics, Profits, Sustainability and



## Stakeholders: An Update on a Familiar Relationship"

(Source: [Volkov Law Group Blog](#), 22 Mar 2019.) Reprinted by permission.)

\* Author: Michael Volkov, Esq., Volkov Law Group, [mvolkov@volkovlaw.com](mailto:mvolkov@volkovlaw.com), 240-505-1992.

And now we return to a familiar theme with some important updates - I always start with the simple pro that does not mean that ethical companies will always be profitable, but it does mean that ethical companies will perform better than they would otherwise perform.

Some call this the ethical advantage or the ethical premium. I like to call it good old common sense. There is a growing body of research in this area confirming this connection between ethics and performance. I have cited this in earlier postings. ([Here](#)).

An interesting report in this area has been developed by JUST U.S. Large Cap Equity ETF (JUST). ([Here](#)).

Each year JUST capital conducts a survey on what it defines as ideal criteria for companies, focused on worker pay, well-being, customer treatment, privacy, beneficial products, environmental impact, job creation, strong communities and ethical leadership. The survey considers 80 items of information about each company and then ranks the companies. JUST created a index consisting of 428 companies and compared the performance of these 428 companies to the Russell 1000 companies over the period 2007 to 2018.

Lo and behold, the JUST index companies return was nearly 2 percent higher than the Russell's 1000 listing (10.4 percent to 8.7 percent). Additionally, the JUST companies delivered a 7 percent higher return on investment over the last five years than the Russell 1000 companies not included in the JUST Index.

Many continue to criticize and seek reform of our current financial reporting scheme and the obsession with quarterly financial reports. Some have suggested that this short-term perspective leads to short-sighted definition of business "success."

Measuring a company's profits requires a long-term perspective. But what do we mean by that? A three-month period, or quarter, is certainly not an accurate barometer of financial success. It takes time (and money) to invest in new products and services, implement a new competitive strategy, seek a competitive advantage in the market, or respond to consumer demands.

This is where ethical decision making or ethical business leadership can play a role. Applying this construct, ethical business leaders may ground themselves by weighing all stakeholders' interests (of which shareholders are one). Business leaders have to understand the context in which they operate and understand that they have stakeholders that are not just shareholders. A company has a social contract that encompasses society and the community in which it operates.



At the same time, a short-term, quarterly perspective, forecloses consideration of efforts that require a longer time to materialize. Sometimes companies employ a more refined weighing of strategies that may bear fruit over a longer time period.

How does a company establish a positive image over the long term? There are a number of relevant factors, one of which is the company's fair and honest treatment of customers and employees. When consumers look for an industry leader and potential employees are considering employment opportunities, companies with ethical reputations and business practices are likely at the top of the list.

Shareholders consist of individuals and institutions that own company stock. Corporate boards and managers should not solely focus on immediate shareholder needs or input because responsible management includes long-term competition and sustainable growth.

A simple but helpful exercise is to create a page with three columns: the first consists of a list of all stakeholders in priority (e.g. shareholders, employees, vendors/suppliers, customers); the second includes a list of each stakeholder's interests and goals; and the third column lists the likely impact of a business decision on each stakeholder.

A company's intangible positive support is often referred to as "goodwill," i.e. the business's reputation, its brand name, its workforce attitude, and the loyalty of its customer base. The ethical performance of the company, its managers and its employees will increase the value of these components. The company's culture consists of shared beliefs, values and behaviors that create an internal environment within which managers, employees, and other stakeholders interact.

In this context, it is easy to see that a long-term view of business success is critical for accurately measuring profitability. If the company's stakeholders benefit from ethical conduct, increasing goodwill and profitability, the perspective of stakeholders will positively turn to longer-term and sustainable growth strategies.

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## EX/IM TRAINING EVENTS & CONFERENCES



19. ECS Presents "2nd Annual ECS ITAR/EAR Symposium and Boot Camp" on 17-19 Sep in Annapolis, MD  
(Source: S. Palmer, [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com).)



\*What: The 2nd Annual ECS ITAR/EAR Symposium and Boot Camp; Annapolis, MD  
\* When: 17-19 September 2019  
\* Where: [Chart House](#)  
\* Sponsor: Export Compliance Solutions & Consulting (ECS)  
\* ECS Speaker Panel: Suzanne Palmer, Mal Zerden, Lisa Bencivenga, Timothy Mooney, Matthew McGrath, Matt Doyle  
\* Register [here](#) or by calling 866-238-4018 or e-mail [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com)

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20. FCC Presents "An Introduction to EU / Dutch Dual-Use and Military Export Controls", 7 May in Bruchem, the Netherlands  
(Source: [Full Circle Compliance](#), [events@fullcirclecompliance.eu](mailto:events@fullcirclecompliance.eu).)

This 1-day training course is ideally suited for compliance professionals and those in a similar role who aim to gain a better understanding of EU and Dutch export control laws and regulations and industry's best practices to ensure compliance.

The course will cover multiple topics relevant for organizations subject to EU and Dutch dual-use and/or military export controls, including: the EU and Dutch regulatory framework; key concepts and definitions; practical tips regarding classification and licensing, and for ensuring a compliant shipment; identifying red flag situations and handling (potential) non-compliance issues; and the latest developments regarding Internal Compliance Program requirements in the EU and the Netherlands.

\* Training Event: "An Introduction to EU / Dutch Dual-Use and Military Export Controls"  
\* Date: Tuesday, 7 May 2019  
\* Location: Full Circle Compliance, Landgoed Groenhoven, Dorpsstraat 6, Bruchem, The Netherlands  
\* Times:  
- Registration and welcome: 9.00 am - 9.30 am  
- Training course hours: 9.30 am - 4.00 pm  
\* Level: Awareness / Beginner.  
\* Target Audience: Compliance professionals or those in a similar role in any industry affected by EU/Dutch export controls (e.g., manufacturing, logistics, research & development, aerospace & defense, government, etc.).  
\* Instructors: Marco F.N. Crombach MSc (Senior Manager) & Vincent J.A. Goossen MA (Program Manager).  
\* Information & Registration: click [here](#) or contact us at [events@fullcirclecompliance.eu](mailto:events@fullcirclecompliance.eu) or 31 (0)23 - 844 - 9046.

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## 21. List of Approaching Events: 146 Events Posted This Week, Including 9 New Events (Sources: Editor and Event Sponsors)

Published every Friday or last publication day of the week, our overview of Approaching Events is organized to list continuously available training, training events, seminars & conferences, and webinars.

If you wish to submit an event listing, please send it to to [jobs@fullcirclecompliance.eu](mailto:jobs@fullcirclecompliance.eu), composed in the below format:

# \* Date: Location; "Event Title"; <Weblink>; EVENT SPONSOR

"# \*" = New or updated listing

### ***Continuously Available Training***

- \* E-Seminars: "[US Export Controls](#)" / "[Defense Trade Controls](#)"; Export Compliance Training Institute; [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com)
- \* Webinar: "[Company-Wide US Export Controls Awareness Program](#)"; Export Compliance Training Institute; [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com)
- \* E-Seminars: "[ITAR/EAR Awareness](#)"; Export Compliance Solutions; [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com)
- \* Online: "[Simplified Network Application Process Redesign \(SNAP-R\)](#)"; Commerce/BIS; 202-482-2227
- \* E-Seminars: "[Webinars On-Demand Library](#)"; Sandler, Travis & Rosenberg, P.A.
- \* Online: "[International Trade Webinars](#)"; Global Training Center
- \* Online: "[On-Demand Webinars](#)"; "General Training"; Center for Development of Security Excellence; Defense Security Service (DSS)
- \* Online: "[ACE Reports Training and User Guide](#)"; DHS/CBP
- \* Online: "[Increase Your International Sales - Webinar Archive](#)"; U.S. Commercial Service
- \* Web Form: "[Compliance Snapshot Assessment](#)"; Commonwealth Trading Partners (CTP)
- \* Online: "[Customs Broker Exam Prep Course](#)"; The Exam Center

### ***Seminars and Conferences***

- \* Mar 24-27: Orlando, FL; "[2019 ICPA Annual Conference](#)"; ICPA
- \* Mar 25-27: San Francisco; "[Global Encryption, Cloud and Cyber Trade Controls Conference](#)"; Thomsen & Burke LLP;
- \* Mar 26: Leeds, UK; "[Understanding Exporting](#)"; Chamber International
- \* Mar 26-27: Pittsburgh, PA; "[Complying with U.S. Export Controls](#)"; Commerce/BIS
- \* Mar 26-27: Scottsdale, AZ; "[Managing ITAR/EAR Complexities](#)"; Export Compliance Solutions (ECS); [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com) or 866-238-4018
- \* Mar 27: Bristol, UK; "[Classification of Goods - Using Commodity and Tariff Codes](#)"; BusinessWest



- \* Mar 27: Bristol, UK; "Incoterms® Rules 2010"; BusinessWest
- # \* Mar 27: Washington D.C.; "Making Sanctions Effective: The Case of North Korea"; Committee on Foreign Affairs
- \* Mar 27-28: San Francisco, CA; "Global Encryption, Cloud & Cyber Trade Controls"; American Conference Institute
- \* Mar 28: Bristol, UK; "Introduction to Export Procedures"; BusinessWest
- # \* Mar 28: Geneva, Switzerland; "Sanctions in an era of trans-Atlantic Geopolitical Divergence"; Graduate Institute Geneva
- \* Mar 29: Leeds, UK; "How to Complete Export Declarations"; Chamber International
- \* Apr 1: Eindhoven, NL; "Export Control, Dual-use en Sancties"; Fenex
- \* Apr 2: Brussels, Belgium; "Dual-Use, Military Research & Misuse"; Vrije Universiteit Brussel
- \* Apr 2: Delft, The Netherlands; "Export Compliance Training"; Netherlands Aerospace Group and Full Circle Compliance
- \* Apr 1-4: Washington, DC; "ITAR Defense Trade Controls / EAR Export Controls Seminar"; ECTI
- \* Apr 2-3: Long Beach, CA; "Voluntary Disclosure/Self Disclosure and Exemptions/Exceptions Seminars"; SIA
- \* Apr 3-4: Denver, CO; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Apr 4-5; Miami, FL; "CTPAT Training"; SCS America
- \* Apr 9: Bruchem, The Netherlands; "Awareness Course U.S. Export Controls: ITAR & EAR from a Non-U.S. Perspective"; Full Circle Compliance
- \* Apr 9: Sheffield, UK; "An Introduction to Export"; Sheffield Chamber of Commerce
- \* Apr 9: London, UK; "Strategic Export Control: Intermediate Practitioners Course"; UK/DIT
- # \* Apr 10: Arlington, VA; "Basic ITAR"; Barnes & Thornburg
- \* Apr 10: London, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* Apr 10: London, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* April 10: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Apr 16: Leeds, UK; "Export Documentation"; Chamber International
- \* Apr 17: Miami, FL; "CBP COMPLIANCE & ENFORCEMENT"; Diaz Trade Consulting
- \* Apr 17-18; Miramar, FL; "11th Maritime Forwarding, Freight Logistics & Global Chain Supply Workshop"; ABS Consulting;
- \* Apr 17-18: Scottsdale, AZ; "Complying with U.S. Export Controls"; Commerce/BIS
- \* April 18: Sheffield, UK; "International Trade Operations and Procedures (ITOPS)"; Sheffield Chamber of Commerce
- # \* Apr 23: Anaheim, CA; "Export Controls Essentials: What Finance Personnel Need to Know"; California State University
- \* Apr 23-24: Portsmouth, NH; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Apr 25: Portsmouth, NH; "Technology Controls"; Commerce/BIS
- \* Apr 25: London, UK; "Making better License Applications"; UK/DIT
- # \* Apr 25: Minneapolis, MN; "Importing 201: Advanced Import Compliance"; Global Training Center
- \* Apr 25-26: Dallas, TX; "Compliance Officer Training"; Globaleyes;



andrewmell@getglobaleyes.com

- \* Apr 29-May 2: London, UK; "US Export Controls on Non-US Transactions: EAR, OFAC & ITAR Compliance for EU/UK and other Non-US Companies PLUS Other Country Controls Comparison to US"; ECTI
- \* Apr 30-May 1: Irvine, CA: "Complying with U.S. Export Controls"; Commerce /BIS
- \* Apr 30-May 1: Nashville, TN: "Mastering ITAR/EAR Challenges"; Export Compliance Solutions (ECS);
- \* May 1: Leeds, UK; "Understanding Exporting & Incoterms"; Chamber International
- \* May 2-3: Washington DC; "Economic Sanctions Enforcement and Compliance"; American Conference Institute
- \* May 5: Munich, Germany; "European and German Export Controls"; AWA;
- \* May 5-7: Savannah, GA; "2019 Spring Seminar"; National Association of Foreign Trade Zones (NAFTZ)
- \* May 6-7: Atlanta, GA; "2019 Spring Conference"; SIA
- \* May 7: Bruchem, The Netherlands; "An Introduction to EU / Dutch Dual-Use and Military Export Controls"; Full Circle Compliance
- \* May 8: Southampton, UK; "Strategic Export Control: Intermediate Practitioners course"; UK/DIT
- \* May 9: Southampton, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* May 9: Southampton, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* May 9: Sheffield, UK; "Essential Incoterms - Getting it Rights"; Sheffield Chamber of Commerce
- \* May 13-16: Washington, D.C.; "ITAR / EAR / OFAC Commercial and Military Export Controls. How ITAR, EAR & OFAC Regulations Impact Non-US Companies, Affiliates and Transactions"; ECTI;
- \* May 15: Bristol, UK; "A Foundation Course in Importing"; BusinessWest
- \* May 15-17; London, UK; "ICPA European Conference"; ICPA
- \* May 16: Bristol, UK; "Export Controls and Licensing"; BusinessWest
- \* May 16: Bristol, UK; "Inward Processing Relief"; BusinessWest
- \* May 16: Hamburg, Germany; "U.S. Export Controls and Embargoes & Sanctions for European Companies"; Hamburger Zollakademie
- \* May 16-17; Toronto, Canada; "ICPA Canada Conference"; ICPA
- # \* May 17: Milwaukee, WI; "Importing 201: Advanced Import Compliance"; Global Training Center
- \* May 19: Traverse City; "Export Compliance Overview Training"; Foster Swift Collins & Smith PC
- \* May 21: London, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* May 27-30: Singapore; "US Export Controls on Non-US Transactions: EAR, OFAC & ITAR Compliance for Asia and other Non-US Companies PLUS Other Country Controls Comparison to US"; ECTI;
- \* Jun 5-6: Seattle, WA; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Jun 7: Upper Marlboro, MD; "2019 Spring Golf Outing"; SIA
- \* Jun 10: Cleveland, OH; "Letters of Credit"; Global Training Center
- \* Jun 11: Cleveland, OH; "Export Doc & Proc"; Global Training Center
- \* Jun 11: Sheffield, UK; "Customs Procedures and Compliance in International Trade"; Sheffield Chamber of Commerce



- \* Jun 11-12: Detroit, MI; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Jun 12: Cleveland, OH; "Tariff Classification"; Global Training Center
- \* Jun 12: Derby, UK; "Strategic Export Control: Intermediate Practitioners course"; UK/DIT
- \* Jun 13: Cleveland, OH; "NAFTA Rules of Origin"; Global Training Center
- \* Jun 13: Derby, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* Jun 13: Derby, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* Jun 13: Detroit, MI; "How to Build an Export Compliance Program"; Commerce/BIS
- \* Jun 14: Cleveland, OH; "Incoterms® 2010 Rules"; Global Training
- \* Jun 17-20: San Diego, CA; "ITAR Defense Trade Controls / EAR Export Controls"; ECTI
- \* Jul 3: Bristol, UK; "Introduction to Export Procedures - Export Training"; BusinessWest
- \* Jul 3: Cambridge, UK; "Strategic Export Control: Intermediate Practitioners Course"; UK/DIT
- \* Jul 4: Cambridge, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* Jul 4: Cambridge, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* Jul 4: Bristol, UK; "Using Documentary Letters of Credit, Drafts and Bills"; BusinessWest
- \* Jul 4: Sheffield, UK; "An Introduction to Export"; Sheffield Chamber of Commerce
- \* Jul 8-9: Seattle, WA; "Boot Camp: Achieving ITAR/EAR Compliance"; Export Compliance Solutions (ECS);
- \* Jul 8 - 10: National Harbour, MD; "2019 Summer Back to Basics Conference"; SIA
- \* Jul 9-11: Washington; "BIS 2019 Annual Conference on Export Controls and Policy"; Commerce/BIS
- \* July 10: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Jul 11: Birmingham, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Jul 24-25: St. Louis, MO; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Aug 20-21: Cincinnati, OH; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Aug 20-21: Milpitas, CA; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Aug 22: Milpitas, CA; "Encryption Controls"; Commerce/BIS
- \* Sep 2, 9, 16: Rotterdam, the Netherlands; "Awareness training Export Control, Dual-use en Sancties"; FENEX
- \* Sep 8-11: Chicago, IL; "2019 Annual Conference and Exposition"; National Association of Foreign Trade Zones (NAFTZ)
- \* Sep 16-19: Austin, TX; "ITAR Controls / EAR & OFAC Export Controls (Sep 18-19) Seminar Series"; ECTI; 540-433-3977
- \* Sep 17: Sheffield, UK; "Customs Procedures and Compliance in International Trade"; Sheffield Chamber of Commerce



- \* Sep 17-19: Annapolis, MD; "The ECS 2nd Annual ITAR/EAR Symposium"; ECS
- \* Sep 20: Las Vegas; "EAR and OFAC Fundamentals: Export Control Of Dual-Use Equipment"; Barnes & Thornburg LLP
- \* Sep 25: Bristol, UK; "Classification of Goods - Using Commodity and Tariff Codes"; BusinessWest
- \* Sep 25: Bristol, UK; "Incoterms® Rules 2010"; BusinessWest
- \* Sep 25: London, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Sep 25: Sheffield, UK; "Essential Incoterms - Getting it Rights"; Sheffield Chamber of Commerce
- \* Sep 26: Bristol, UK; "Understanding The Paperwork"; BusinessWest
- \* Sep 30 - Oct 3; Amsterdam, NL; "ITAR Controls / EAR/OFAC Commercial and Military Controls"; ECTI; 540-433-3977
- \* Oct 7: Munich, Germany; "European and German Export Controls"; AWA
- \* Oct 14-17; Columbus, OH; "University Export Controls Seminar"; ECTI
- \* Oct 17: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Oct 27: Singapore; "5th Asia Pacific Summit on Economic Sanctions Compliance and Enforcement"; American Conference Institute
- \* Oct 28-29: Washington D.C.; "2019 Fall Advanced Conference"; SIA
- \* Oct 28-31; Phoenix, AZ; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Nov 11-14; Washington, DC; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Nov 20: Bristol, UK; "Introduction to Export Procedures - Export Training"; BusinessWest
- \* Nov 21: Bristol, UK; "A Foundation Course in Importing"; BusinessWest
- \* Nov 26: Bruchem, The Netherlands; "The International Traffic in Arms Regulations (EAR) from a non-U.S. Perspective"; Full Circle Compliance
- \* Nov 27: Bruchem, The Netherlands; "The Export Administration Regulations (EAR) from a non-U.S. Perspective"; Full Circle Compliance
- \* Nov 27: Manchester, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Dec 4-5: New York, NY; "10th Annual New York Forum on Economic Sanctions"; American Conference Institute
- \* Dec 4-5: Washington, DC; "36th International Conference on the Foreign Corrupt Practices Act"; American Conference Institute
- \* Dec 9-12; Miami, FL; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Dec 12-13; Washington D.C.; "Coping with U.S. Export Controls and Sanctions 2019"; Practicing Law Institute

## 2020

- \* Jan 30-31: Houston, TX; "14th Forum on the Foreign Corrupt Practices Act"; American Conference Institute

### **Webinars**

- \* Mar 26: Webinar: "Duty Drawback"; CITTA Brokerage Co.



- \* Mar 27: Webinar: "[Trade in Turmoil \[Monthly Update\]](#)"; Sandler, Travis & Rosenberg, P.A
- \* Apr 2: Webinar: "[Cornerstones of EAR Compliance: Controlled Items, Activities & Hardware Classification](#)"; ECTI; 540-433-3977
- \* Apr 8: Webinar: "[Export Control Compliance: Creating And Self Assessing Your Export Control Program \(ECP\) To Sanctioned Countries](#)"; GRC Educators
- \* Apr 10: Webinar: "[Cornerstones of EAR Compliance: Technology & Software Classification, and No License Required \(NLR\) Determination](#)"; ECTI; 540-433-3977
- \* Apr 10: Webinar: "[Import Compliance Bootcamp](#)"; Sandler, Travis & Rosenberg, P.A
- \* Apr 16: Webinar: "[CFIUS Update: New Requirements to Meet, New Industries Affected](#)"; ECTI; 540-433-3977
- # \* Apr 16: Webinar: "[Importing 201: Advanced Import Compliance](#)"; Global Training Center
- \* Apr 17: Webinar: "[Cornerstones of EAR Compliance: Understanding License Exceptions & End-Use\(r\) Controls](#)"; ECTI; 540-433-3977
- \* Apr 23: Webinar: "[How to Improve Export Compliance with Effective Audits](#)"; ECTI; 540-433-3977
- \* Apr 23: Webinar: "[ITAR Training Basics - For Compliance Executives April](#)"; CVG Strategy
- \* Apr 24: Webinar: "[Cornerstones of EAR Compliance: License Application Process & Export Clearance](#)"; ECTI; 540-433-3977
- \* Apr 25: Webinar: "[Best Practices for Voluntary and Required Self Disclosures](#)"; Massachusetts Export Center
- # \* May 22: Webinar: "[ITAR](#)"; Global Training Center
- # \* May 23: Webinar: "[EAR](#)"; Global Training Center

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## EDITOR'S NOTES



## 22. Bartlett's Unfamiliar Quotations

(Source: Editor)

\* **Louis L'Amour** (Louis Dearborn L'Amour; 22 Mar 1908 - 10 Jun 1988; was an American novelist and short-story writer. His books consisted primarily of Western novels; however, he also wrote historical fiction as well as poetry and short-story collections. Many of his stories were made into films. At the time of his death almost all of his 105 existing works (89 novels, 14 short-story collections, and two full-length works of nonfiction) were still in print, and he remains one of the world's most popular writers.)

- *"Often I hear people say they do not have time to read. That's absolute nonsense. In the one year during which I kept that kind of record, I read twenty-five books while waiting for people. In offices, applying for jobs, waiting to see a dentist, waiting in a restaurant for friends, many such places."*



**Friday's proverbs:**

- \* Character is always corrupted by prosperity. | Icelandic Proverb
- \* A fault confessed is half redressed. | Zulu Proverb
- \* Everyone is kneaded out of the same dough, but not baked in the same oven. | Yiddish Proverb

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**23. Are Your Copies of Regulations Up to Date?**

(Source: Editor)

The official versions of the following regulations are published annually in the U.S. Code of Federal Regulations (C.F.R.), but are updated as amended in the Federal Register. The latest amendments to applicable regulations are listed below.

\* DHS CUSTOMS REGULATIONS: 19 CFR, Ch. 1, Pts. 0-199. Implemented by Dep't of Homeland Security, U.S. Customs & Border Protection.  
 - Last Amendment: 12 Mar 2019: 84 FR 8807-8809: Extension of Import Restrictions Imposed on Archaeological and Ecclesiastical Ethnological Material From Honduras

\* DOC EXPORT ADMINISTRATION REGULATIONS (EAR): 15 CFR Subtit. B, Ch. VII, Pts. 730-774. Implemented by Dep't of Commerce, Bureau of Industry & Security.

- Last Amendment: 20 Dec 2018: 83 FR 65292-65294: Control of Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML); Correction [Concerning ECCN 7A005 and ECCN 7A105.]

\* DOC FOREIGN TRADE REGULATIONS (FTR): 15 CFR Part 30. Implemented by Dep't of Commerce, U.S. Census Bureau.

- Last Amendment: 24 Apr 2018: 83 FR 17749-17751: Foreign Trade Regulations (FTR): Clarification on the Collection and Confidentiality of Kimberley Process Certificates

- HTS codes that are not valid for AES are available [here](#).

- The latest edition (1 Jan 2019) of *Bartlett's Annotated FTR* ("BAFTR"), by James E. Bartlett III, is available for downloading in Word format. The BAFTR contains all FTR amendments, FTR Letters and Notices, a large Index, and approximately 250 footnotes containing case annotations, practice tips, Census/AES guidance, and explanations of the numerous errors contained in the official text. Subscribers receive revised copies in Microsoft Word every time the FTR is amended. The BAFTR is available by annual subscription from the Full Circle Compliance [website](#). BITAR subscribers are entitled to a 25% discount on subscriptions to the BAFTR. Government employees (including military) and employees of universities are eligible for a 50% discount on both publications at [www.FullCircleCompliance.eu](http://www.FullCircleCompliance.eu).



\* DOD NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPOM): DoD 5220.22-M. Implemented by Dep't of Defense.

- Last Amendment: 18 May 2016: Change 2: Implement an insider threat program; reporting requirements for Cleared Defense Contractors; alignment with Federal standards for classified information systems; incorporated and cancelled Supp. 1 to the NISPOM (Summary [here](#).)

\* DOE ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES: 10 CFR Part 810; Implemented by Dep't of Energy, National Nuclear Security Administration, under the Atomic Energy Act of 1954.

- Last Amendment: 23 Feb 2015: 80 FR 9359, comprehensive updating of regulations, updates the activities and technologies subject to specific authorization and DOE reporting requirements. This rule also identifies destinations with respect to which most assistance would be generally authorized and destinations that would require a specific authorization by the Secretary of Energy.

\* DOE EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; 10 CFR Part 110; Implemented by Dep't of Energy, U.S. Nuclear Regulatory Commission, under the Atomic Energy Act of 1954.

- Last Amendment: 20 Nov 2018, 10 CFR 110.6, Re-transfers.

\* DOJ ATF ARMS IMPORT REGULATIONS: 27 CFR Part 447-Importation of Arms, Ammunition, and Implements of War. Implemented by Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives.

- Last Amendment: 14 Mar 2019: 84 FR 9239-9240: Bump-Stock-Type Devices

\* DOS INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR): 22 C.F.R. Ch. I, Subch. M, Pts. 120-130. Implemented by Dep't of State, Directorate of Defense Trade Controls.

- Last Amendment: 19 Mar 2019: 84 FR 9957-9959: Department of State 2019 Civil Monetary Penalties Inflationary Adjustment

- The only available fully updated copy (latest edition: 19 March 2019) of the ITAR with all amendments is contained in *Bartlett's Annotated ITAR* ("BITAR"), by James E. Bartlett III. The BITAR is a 361-page Word document containing all ITAR amendments to date, plus a large Index, over 800 footnotes containing amendment histories, case annotations, practice tips, DDTC guidance, and explanations of errors in the official ITAR text. Subscribers receive updated copies of the BITAR in Word by download, usually revised within 24 hours after every ITAR amendment. The BITAR is available by annual subscription from the Full Circle Compliance [website](#). BAFTR subscribers receive a \$25 discount on subscriptions to the BITAR, please [contact us](#) to receive your discount code.

\* DOT FOREIGN ASSETS CONTROL REGULATIONS (OFAC FACR): 31 CFR, Parts 500-599, Embargoes, Sanctions, Executive Orders. Implemented by Dep't of Treasury, Office of Foreign Assets Control.

- Last Amendment: 15 Mar 2019: 84 FR: 9456-9458: List of Foreign Financial Institutions Subject to Correspondent Account or Payable-Through Account Sanctions (CAPTA List)



\* USITC HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS, HTSA or HTSUSA), 1 Jan 2019: 19 USC 1202 Annex. Implemented by U.S. International Trade Commission. ("HTS" and "HTSA" are often seen as abbreviations for the Harmonized Tariff Schedule of the United States Annotated, shortened versions of "HTSUSA".)

- Last Update: 7 Mar 2019: Harmonized System Update (HSU) 1903 [contains 67 ABI records and 13 harmonized tariff records].
- HTS codes for AES are available here.
- HTS codes that are not valid for AES are available here.

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## 24. Weekly Highlights of the Daily Bugle Top Stories (Source: Editor)

Review last week's top Ex/Im stories in "Weekly Highlights of Daily Bugle Top Stories" posted here.

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## EDITORIAL POLICY

\* The Ex/Im Daily Update is a publication of FCC Advisory B.V., compiled by: Editor, James E. Bartlett III; Assistant Editors, Alexander P. Bosch and Vincent J.A. Goossen; and Events & Jobs Editor, Alex Witt. The Ex/Im Daily Update is emailed every business day to approximately 7,000 readers of changes to defense and high-tech trade laws and regulations. We check the following sources daily: Federal Register, Congressional Record, Commerce/AES, Commerce/BIS, DHS/CBP, DOE/NRC, DOJ/ATF, DoD/DSS, DoD/DTSA, FAR/DFARS, State/DDTC, Treasury/OFAC, White House, and similar websites of Australia, Canada, U.K., and other countries and international organizations. Due to space limitations, we do not post Arms Sales notifications, Denied Party listings, or Customs AD/CVD items.

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Sent by [jebartlett@fullcirclecompliance.eu](mailto:jebartlett@fullcirclecompliance.eu)



## Message

**From:** Jim Bartlett, Full Circle Compliance ("FCC") [jebartlett@fullcirclecompliance.eu]  
**Sent:** 3/22/2019 7:33:10 PM  
**To:** fosterja2@state.gov  
**Subject:** 19-0322 Friday "Daily Bugle"

Friday, 22 March 2019



The Daily Bugle is a free daily newsletter from Full Circle Compliance, containing changes to export/import regulations (ATF, DOE/NRC, Customs, NISPOM, EAR, FACR/OFAC, FAR/DFARS, FTR/AES, HTSUS, and ITAR), plus news and events. Subscribe [here](#) for free subscription. [Contact us](#) for advertising inquiries and rates.

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#### **EX/IM TRAINING EVENTS & CONFERENCES**

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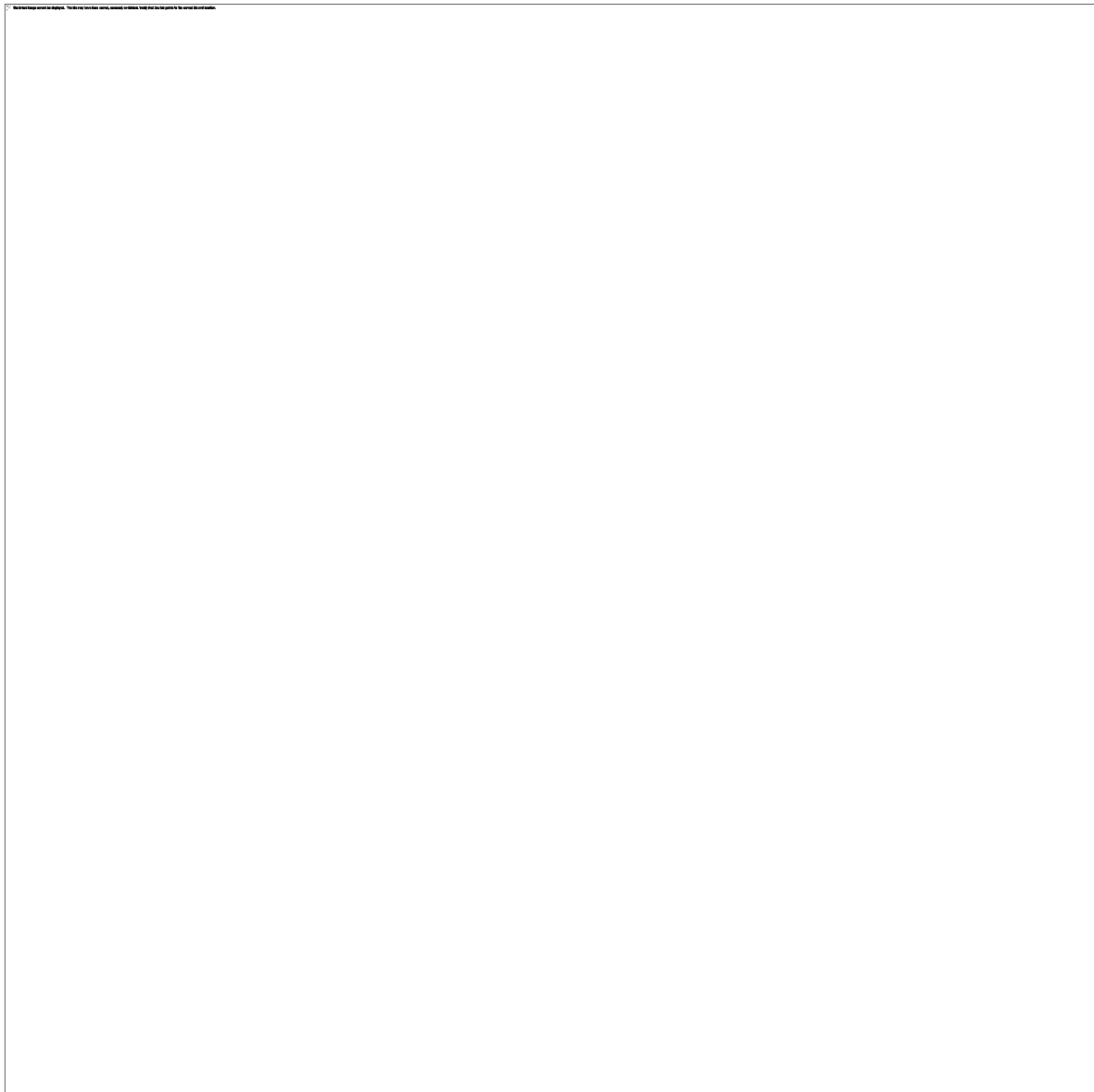
[ECS Presents "2nd Annual ECS ITAR/EAR Symposium and Boot Camp" on 17-19 Sep in Annapolis, MD](#)

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#### ITEMS FROM TODAY'S FEDERAL REGISTER



1. USTR Announces Modifications to Rules of Origin of the United States Morocco Free Trade Agreement  
(Source: [Federal Register](#), 22 Mar 2019.)

84 FR 10883: Effective Date of Modifications to Rules of Origin of the United States Morocco Free Trade Agreement



- \* AGENCY: Office of the United States Trade Representative.
- \* ACTION: Notice.
- \* SUMMARY: In December 2018, the President modified the rules of origin for certain goods of Morocco under the United States-Morocco Free Trade Agreement (USMFTA). This notice announces the effective date for those modifications.
- \* DATES: **This notice is applicable on April 1, 2019.**
- \* FOR FURTHER INFORMATION CONTACT: Janet Heinzen, Deputy Assistant U.S. Trade Representative for Textiles, at 202-395-6092 or [janet.e.heinzen@ustr.eop.gov](mailto:janet.e.heinzen@ustr.eop.gov).
- \* SUPPLEMENTARY INFORMATION: ...

In 2015 and 2016, the Government of Morocco submitted requests to modify certain textile and apparel rules of origin based on commercial availability of specific inputs. Following public comment on the proposed rules changes, the United States and Morocco reached agreement to modify certain rules of origin. Pursuant to the USMFTA Implementation Act, the International Trade Commission conducted an economic impact review and concluded that the impact on U.S. imports, exports, and production of the proposed modifications would be negligible. The Industry Trade Advisory Committee on Textiles and Clothing did not object to the proposed modifications. Congress also did object during the consultation and layover process.

In Proclamation 9834 of December 21, 2018, the President determined pursuant to section 203 of the USMFTA Implementation Act, that the subject modifications to the HTSUS were appropriate and modified general note 27 to the HTSUS with respect to goods of Morocco. The modifications are effective with respect to goods of Morocco entered or withdrawn from warehouse for consumption on the date announced by the United States Trade Representative in the Federal Register.

On March 4, 2019, Morocco notified the United States that it had completed its domestic procedures to give effect to the agreement to change the USMFTA rules of origin for certain apparel goods of specified fabrics with respect to goods of the United States. Subsequently, Morocco and the United States agreed to implement these changes with respect to each other's eligible goods, effective April 1, 2019.

William Jackson, Assistant U.S. Trade Representative for Textiles, Office of the U.S. Trade Representative.

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## OTHER GOVERNMENT SOURCES



2. Items Scheduled for Publication in Future Federal Register Editions  
(Source: [Federal Register](#))

- \* Commerce; Industry and Security Bureau; NOTICES; Agency Information



Collection Activities; Proposals, Submissions, and Approvals: Special Priorities Assistance [Pub. Date: 25 Mar 2019.]

\* Treasury; Foreign Assets Control Office; NOTICES; Blocking or Unblocking of Persons and Properties [Pub. Date: 25 Mar 2019.]

\* U.S. Trade Representative; NOTICES; 2019 Generalized System of Preferences: Annual GSP Product and Country Review; Deadline for Filing Petitions [Pub. Date: 25 Mar 2019.]

\* U.S. Trade Representative; NOTICES; Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation [Pub. Date: 25 Mar 2019.]

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### 3. Commerce/BIS: (No new postings.)

(Source: [Commerce/BIS](#))

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### 4. DHS/CBP Posts Notice on Common Create/Update Importer Identity Form ACE Error Message Solutions

(Source: [CSMS 19-000146](#), 21 Mar 2019.)

CBP is providing a list of solutions for the most common errors that are being experienced with inputting the Create/Update Importer Identity Form (CBP Form 5106).

#### *Error Message PDM - Data Element PATTERN UNKNOWN*

Solution: Many create/update importer record requests are being submitted with phone numbers that include dashes in the TD record. Phone numbers should be provided in the TD record as either an unseparated group of numbers, example 1234567899, or with spaces, example 123 456 7899.

Another input mistake that can cause the PDM error is not providing names in the TL record (Certification) with commas, per the Create/Update Importer Identity Form CATAIR's instructions. For example, "John Weer Doe" needs to be provided in the TL record as "Doe, John, W". The CATAIR can be accessed on [cbp.gov](#).

#### *Error Message MVM - Data Element MISSING*

Solution: Many of the CBP Form 5106s being uploaded to CBP are missing a title in the TL record for the individual certifying the form. This data element is the "Printed or Typed Full Name" block in section 4 of the new CBP Form 5106.



Both a name and title are mandatory data elements on the revised CBP Form 5106.

*Error Message R05 - IMPORTER NUMBER ALREADY ON FILE*

Solution: This error is being caused by Importer of Record (IOR) creation being requested for IORs that already exist. Entities or their representatives should ensure that they are selecting the correct type of action, "Notification of identification number" (create), "Change of Name" (update), and "Change of Address" (update), when submitting a Create/Update Importer Identity request.

Please note, information on existing IOR numbers can potentially be obtained from the [5106@cbp.dhs.gov](mailto:5106@cbp.dhs.gov) mailbox by an IOR's owner or individuals representing the IOR with an active Power of Attorney.

*Error Message X39 - DATA FOUND IN FILLER*

Solution: Refer to "ACE Draft CATAIR: Importer/Consignee Create/Update" on [cbp.gov](http://cbp.gov) and ensure that the data being input in the new ACE CBP Form 5106 Automated Broker Interface/EDI is not being accidentally entered into a portion of a record that can only be occupied by "space fill". For example, if the Alternate Importer Name provided in the TA record exceeds 32 characters, the additional characters will overflow into the filler record which will cause an X39 error. Records that have a filler component that can only contain "space fill", as outlined by the "ACE Draft CATAIR: Importer/Consignee Create/Update", are TA, T3, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN. The CATAIR can be accessed on [cbp.gov](http://cbp.gov).

An error message dictionary for the Create/Update Importer Identity Form (CBP Form 5106) functionality can be found on [cbp.gov](http://cbp.gov).

Questions or concerns about CBP Form 5106 ACE error messages should be sent to [5106@cbp.dhs.gov](mailto:5106@cbp.dhs.gov).

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## 5. Justice: "Australian National Sentenced to Prison Term For Exporting Electronics to Iran"

(Source: [Justice](#), 21 Mar 2019.) [Excerpts.]

An Australian man was sentenced today to 24 months in prison on four counts of violations of the International Emergency Economic Powers Act, which criminalizes knowing transactions with Iranian entities without a license from the U.S. Department of Treasury.

David Russell Levick, 57, of Cherrybrook NSW, Australia, pled guilty to the charges on Feb. 1, 2019, in the U.S. District Court for the District of Columbia. He was sentenced by the Honorable James E. Boasberg. In addition to the



prison term, Levick must pay a forfeiture amount of \$199,227, which represents the total value of the goods involved in the illegal transactions. Following completion of his prison term, Levick will be subject to deportation proceedings. ...

According to the plea documents, Levick was the general manager of ICM Components, Inc., located in Thornleigh Australia. He solicited purchase orders and business for the goods from a representative of a trading company in Iran. This person in Iran, referenced in court documents as "Iranian A," also operated and controlled companies in Malaysia that acted as intermediaries for the Iranian trading company.

Levick then placed orders with U.S. companies on behalf of "Iranian A" for the goods, which were aircraft parts and other items that "Iranian A" could not have directly purchased from the United States without the permission of the U.S. government.

The defendant admitted to procuring or attempting to procure the following items for transshipment to Iran, each of which required a license from the Treasury Department prior to any export to Iran:

- Precision Pressure Transducers. These are sensor devices that have a wide variety of applications in the avionics industry, among others, and can be used for altitude measurements, laboratory testing, measuring instrumentations and recording barometric pressure.
- Emergency Floatation System Kits. These kits contained a landing gear, float bags, composite cylinder and a complete electrical installation kit. Such float kits were designed for use on Bell 206 helicopters to assist the helicopter when landing in either water or soft desert terrain.
- Shock Mounted Light Assemblies. These items are packages of lights and mounting equipment designed for high vibration use and which can be used on helicopters and other fixed wing aircraft.

When necessary, Levick used a broker in Tarpon Springs, Florida, through whom orders could be placed for the parts to further conceal the fact that the parts were intended for transshipment to "Iranian A" in Iran. Levick intentionally concealed the ultimate end-use and end-users of the parts from manufacturers, distributors, shippers, and freight forwarders located in the United States and elsewhere. In addition, Levick and others structured their payments between each other for the parts to avoid trade restrictions imposed on Iranian financial institutions by other countries. Levick and ICM wired money to companies located in the United States as payment for the parts.

The activities took place in 2007 and 2008. Levick was indicted in February 2012. At the request of the United States, Australia arrested him for the purposes of extradition, and Australia extradited him to the United States in December 2018. He has remained in custody here. ...

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## 6. State/DDTC: (No new postings.)

(Source: [State/DDTC](#))

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## 7. Treasury/OFAC P Updates Guidance on Addressing North Korea's Illicit Shipping Practices

(Source: [Treasury/OFAC](#), 21 Mar 2019.) [Excerpts.]

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC), with the U.S. Department of State and the U.S. Coast Guard, is updating the advisory published on February 23, 2018. This advisory provides new information about North Korea's deceptive shipping practices, additional guidance on how to mitigate the risk of involvement in these practices, a new graphic depicting certain ports of call, and three new annexes. The U.S. government recommends that all parties involved in the shipping industry and related commercial entities, including ship owners, managers, and operators, brokers, flag registries, oil companies, port operators, shipping companies, classification service providers, insurance companies, and financial institutions - be aware of the practices set out in this advisory in order to implement appropriate controls to identify North Korea's illicit shipping practices.

Despite robust U.S. and United Nations (UN) sanctions on North Korea, North Korea continues to evade sanctions, particularly through illicit ship-to-ship transfers of refined petroleum and coal. In 2018, North Korean ports received at least 263 tanker deliveries of refined petroleum procured from UN-prohibited ship-to-ship transfers. If these tankers were fully laden when they made their delivery, North Korea would have imported 3.78 million barrels, or more than seven and a half times the allowable amount of refined petroleum (i.e., 500,000 barrels/year) under UN Security Council Resolution (UNSCR) 2397.

In addition to continued illicit imports of refined petroleum, North Korea has resumed exports of coal in the Gulf of Tonkin. UNSCR 2371, adopted in August 2017, prohibits the procurement of North Korean-origin coal, and UNSCR 2397, adopted in December 2017, acknowledges that the proceeds of North Korea's trade in sectoral goods, including coal, contribute to the regime's nuclear weapons and ballistic missile programs. The United States will continue to use its sanctions authorities to target persons in various industries, including, but not limited to, the shipping industry that further North Korea's illicit revenue-generating schemes that fund the regime's nuclear weapons and ballistic missile programs.

This advisory now contains five annexes, three of which are new. The first provides an overview of U.S. and UN sanctions relevant to the shipping industry, including a non-exhaustive list of bases for which persons may be sanctioned by OFAC. The second provides an updated list of 28 North Korean tankers known to be capable of engaging in ship-to-ship transfers of refined petroleum products and other banned goods. The new third annex provides



specific guidance for UN Member States and relevant industry actors on best practices to avoid engaging in North Korea-related illicit activities. The new fourth annex provides a list of 18 vessels that are believed to have engaged in illicit ship-to-ship transfers of refined petroleum with North Korean tanker vessels. The new fifth annex provides a list of 49 vessels that are believed to have exported North Korean-origin coal.

The United States, along with Australia, Canada, France, Italy, Japan, and the United Kingdom, have highlighted these deceptive practices at the International Maritime Organization (IMO) to call all IMO Member States' attention to these deceptive shipping practices, and to remind all Members States of the requirements and guidance contained in relevant IMO instruments. The IMO consequently issued Circular MSC.1/Circ. 1602 on March 5, 2019, to call the attention of all Member States and other maritime industry stakeholders to North Korea's deceptive practices. The United States requests that UN Member States, port state control authorities, and flag registries provide this advisory to all relevant persons in their jurisdictions. ...

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## 8. EU Amends Restrictive Measures Concerning Bosnia and Herzegovina & Egypt

(Source: [Official Journal of the European Union](#), 22 Mar 2019.)

### *Regulations:*

\* [Council Implementing Regulation \(EU\) 2019/459](#) of 21 March 2019 implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

### *Decisions:*

\* [Council Decision \(CFSP\) 2019/467](#) of 21 March 2019 amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina

\* [Council Decision \(CFSP\) 2019/468](#) of 21 March 2019 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

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## 9. German BAFA Publishes Preliminary Information on the Renewal and Amendment of Multiple General Authorizations

(Source: [German BAFA](#), 21 Mar 2019.)

The German Federal Office for Economic Affairs and Export Control (BAFA) published preliminary information on the renewal and amendment of General Authorizations No. 18 to 27 and No. 30.



BAFA intends to extend General Authorizations No. 18 to No. 27 and No. 30 until 31.03.2020.

More details on all German General Export Authorizations can be found [here](#).

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## 10. UK/OFSI Updates Three Sanctions Guidance Documents

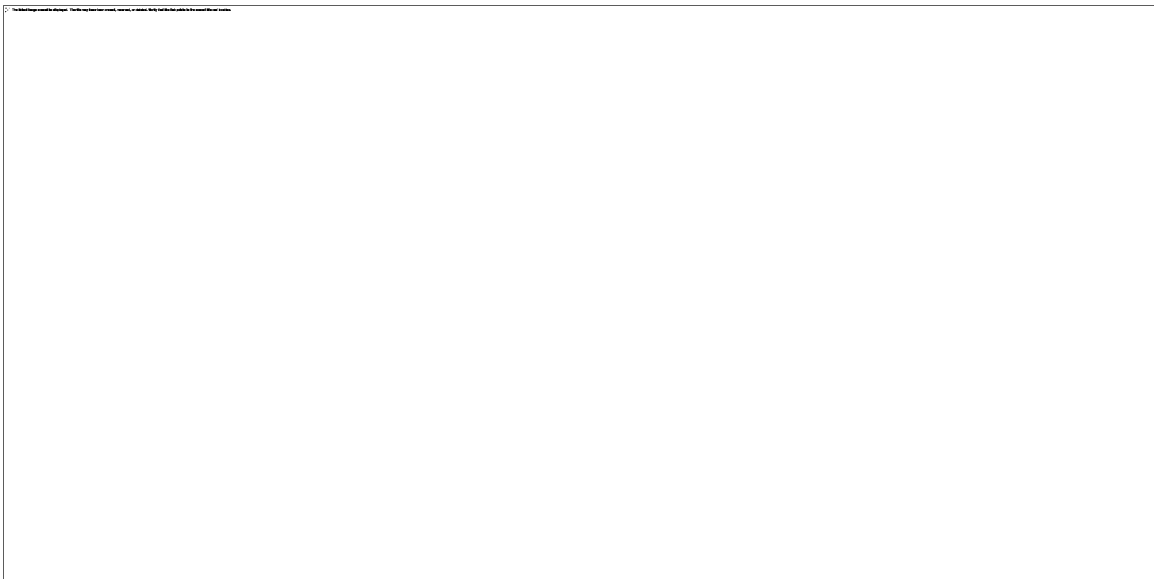
(Source: [UK/OFSI](#), 21 Mar 2019.)

The UK Office of Financial Sanctions Implementation (OFSI) has updated several of its guidance documents:

- [UK Sanctions on Zimbabwe](#)
- [UK Sanctions on the Republic of Belarus](#)
- [UK Sanctions if there's no Brexit deal](#)
- [Financial Sanctions Notice on Iraq](#)

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## 11. Expeditors News: "European Council Extends the UK Withdrawal from the EU"

(Source: [Expeditors News](#), 22 Mar 2019.)

On March 21, 2019, the European Council agreed to an extension on the United Kingdom (UK) withdrawing from the European Union (EU).

The European Council extended the withdrawal date to April 12, 2019, unless the UK's House of Commons approves the withdrawal agreement by next week. In that instance, the European Council has agreed to an extension until May 22, 2019.

The European Council's press release may be found [here](#).

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## 12. Osburn Oracle: "US Judge Extends Ban on Publication of 3D Printed Gun Blueprints"

(Source: [Osburn Oracle](#), 21 Mar 2019.)

A US judge extended a ban on publishing blueprints for 3D printed guns online, handing a procedural victory to states and gun-control groups that argue the practice will make it easy for criminals and terrorists to get their hands on untraceable firearms.

The injunction against Austin, Texas-based Defense Distributed was issued Monday by US District Judge Robert Lasnik in Seattle, where 19 states and Washington, DC, to block it from making technical plans for an array of guns available globally on the internet with the government's blessing. The injunction will remain in place until the suit is resolved.

The 3D printing of guns gained urgency after Defense Distributed reached a surprise settlement with President Donald Trump's administration resolving a 2015 government challenge. Former President Barack Obama's administration had sued the firm on national-security grounds, alleging the publishing of gun schematics violated the federal Arms Export Control Act.

Trump said in July that allowing unfettered public access to instructions for making guns with 3D printers doesn't "seem to make much sense" but hasn't fought to stop it.

In Monday's ruling, Lasnik criticized the government's argument that the states won't be harmed by publication of the blueprints because the federal government is committed to battling undetectable firearms. The "very purpose" of Defense Distributed's plan is to "arm every citizen outside of the government's traditional control mechanisms," the judge said.

"It is the untraceable and undetectable nature of these small firearms that



poses a unique danger," Lasnik said. "Promising to detect the undetectable while at the same time removing a significant regulatory hurdle to the proliferation of these weapons - both domestically and internationally - rings hollow and in no way ameliorates, much less avoids, the harms that are likely to befall the states if an injunction is not issued."

Josh Blackman, a lawyer for Defense Distributed, said the company is reviewing the decision and considering all its options.

The ruling was hailed by New York Attorney General Barbara Underwood in a statement on Twitter.

Avery Gardiner, co-president of the Brady Campaign to Prevent Gun Violence, said the decision is "an unqualified success for the American public and, indeed, the global community.

"3D-printed guns represent a supreme threat to our safety and security, and we are grateful that Judge Lasnik recognized it as such," Gardiner said in a statement.

The Trump administration once appeared to back Obama's stance. In April, the US urged dismissal of the company's lawsuit, highlighting the "potentially devastating" implications of online gun designs getting into the hands of terrorists, according to the Brady Center.

Weeks later, the government offered a settlement which gave the plaintiffs "everything they asked for, and more," the Brady Center said. The US agreed to pay the company almost \$40,000, a court filing shows.

"I'm glad we put a stop to this dangerous policy," Washington State Attorney General Bob Ferguson said in an emailed statement. "But I have to ask a simple question: Why is the Trump Administration working so hard to allow these untraceable, undetectable, 3D-printed guns to be available to domestic abusers, felons and terrorists?"

The State Department, which struck the deal with Defense Distributed, is also named in the suit. The US changed the regulation after deciding firearms up to .50 calibre "would not provide a military advantage to adversaries and therefore no longer warrant export control," according to the ruling.

The US's argument that the federal government is limited in the matter to exports while the states' concerns are "purely domestic," according to Monday's ruling.

"Defendants' argument is so myopic and restrictive as to be unreasonable," Lasnik said. "Whatever defendants' statutory authority, the fact is that the internet is both domestic and international."

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### 13. Reuters: "Trump Says He Is Withdrawing Earlier North Korea-Related Sanctions"

(Source: [Reuters](#), 22 Mar 2019.)

U.S. President Donald Trump on Friday said he was ordering the withdrawal of recently announced North Korea-related sanctions imposed by the U.S. Treasury Department.

"It was announced today by the U.S. Treasury that additional large-scale Sanctions would be added to those already existing Sanctions on North Korea," Trump said on Twitter. "I have today ordered the withdrawal of those additional Sanctions!"

It was not immediately clear what sanctions Trump was referring to. There were no new U.S. sanctions on North Korea announced on Friday but on Thursday the United States blacklisted two Chinese shipping companies that it said helped North Korea evade sanctions over its nuclear weapons program.

White House spokeswoman Sarah Sanders did not specify which sanctions Trump spoke of but said: "President Trump likes Chairman Kim (Jong Un) and he doesn't think these sanctions will be necessary."

The sanctions on the Chinese shippers were the first since the second U.S.-North Korea summit broke down last month. Hours after the sanctions announcement, North Korea on Friday pulled out of a liaison office with the South, a major setback for Seoul.

North Korea said it was quitting the joint liaison office set up in September in the border city of Kaesong after a historic summit between leader Kim Jong Un and South Korea's President Moon Jae-in early last year.

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### 14. ST&R Trade Report: "Tariffs to Remain in Place After China Deal, Trump Says"

(Source: [Sandler, Travis & Rosenberg Trade Report](#), 22 Mar 2019.)

President Trump indicated this week that higher tariffs on \$250 billion worth of goods imported from China will remain in place for the foreseeable future. The president's stance could complicate efforts to secure a bilateral trade agreement.

Senior U.S. officials will travel to Beijing next week to continue negotiations on an agreement aimed at resolving issues such as forced technology transfer, intellectual property rights, currency, and agriculture. Chinese officials could follow up with a visit to Washington in early April and presidents Trump and Xi Jinping could meet in late April to conclude a deal.



According to press sources, one of the key issues negotiators have struggled with in recent weeks has been enforcement; i.e., measures the U.S. could take if China does not comply with the commitments it makes in any final agreement. Trump administration officials have indicated a preference for reimposing tariffs in such a case, with no retaliatory tariffs allowed by China.

However, Trump said March 20 that "we're not talking about removing" the existing tariffs but instead are talking about "leaving them for a substantial period of time ... to make sure that ... China lives by the deal." A Washington Post article notes that this approach is not new for Trump, as he has maintained tariffs on steel and aluminum imports from Canada and Mexico even after reaching agreement with them on revisions to NAFTA.

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## COMMENTARY



### 15. International Trade Compliance Blog: "EU-Commission Opens Consultation of EU-US Regulatory Cooperation"

(Source: [Baker McKenzie](#), 18 Mar 2019.)

The European Commission has opened a [consultation](#) with stakeholders relating to regulatory cooperation activities with the United States as a follow up to the 25 July 2018 meeting between the President of the US and the President of the European Commission. An [interim progress](#) report was published on 30 January, providing a detailed overview on the state of the work of the Executive Working Group, which was formed after the July meeting, and lists a number of concrete actions where regulatory cooperation can facilitate transatlantic trade such as pharmaceuticals, medical devices and cybersecurity, by lowering regulatory barriers. Similar progress reports will be published at regular intervals as the discussions with the US progress. Stakeholder input will be instrumental to making progress and identify solutions that allow us to facilitate trade while maintaining, if not enhancing, levels of regulatory protection.

The European Commission is inviting comments from all interested stakeholder groups on potential areas for regulatory co-operation with the United States. In particular, comments in the following areas are welcome:

- Conformity Assessment: a possible future agreement on conformity assessment aiming at a horizontal approach to facilitate the acceptance of certificates issued by the conformity assessment bodies of the other Party in a number of selected sectors such as electric and electronic equipment,



machinery, medical devices, toys, recreational crafts, pressure equipment, construction products, measuring instruments etc. In this regard, the Commission would welcome input by stakeholders, in particular on the barriers exporters face and the difficulties that conformity assessment bodies face in seeking accreditation in the other party;

- Dialogue on standards: the EU and the US for historical reasons adopted divergent standards in many sectors, leading to high adaptation costs for exporters. In order to facilitate trade in the future and increase regulatory convergence, cooperation on standards would focus especially on areas where no standards exist yet. Additive manufacturing, robotics and technical textiles have been identified as possible areas of cooperation. The Commission is also interested in receiving stakeholder input regarding other possible standard areas where such cooperation could bring trade benefits.

- Regulatory cooperation in sectors: the Commission would want to receive stakeholder input on concrete initiatives for regulatory cooperation in sectors with the potential of facilitating bilateral trade, while fully respecting EU levels of protection.

The closing date for the consultation is 23 April 2019. The European Commission will make public all written submissions received in response to this call for proposals. Submissions should be made to: [TRADE-EU-US-REG-COOP-CONSULTATION@ec.europa.eu](mailto:TRADE-EU-US-REG-COOP-CONSULTATION@ec.europa.eu).

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#### 16. L. Caponetti: "The Belgian Trade Control System: Legislation by Items-Category and Competent Authority" (Source: [ESU/ULG](#), 20 Mar 2019.)

\*Author: Lia Caponetti, Researcher, European Studies Unit (ESU), University of Liège (ULG), +32 4 366 46 84, [lcaponetti@uliege.be](mailto:lcaponetti@uliege.be).

[This table](#) sums up legislation in force in Belgium for the following categories of controlled items:

- Conventional weapons;
- Dual-use goods and technologies;
- Goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

The table breaks down the legislation in force by category of controlled items and by competent authority.

The Special Law of 12 August 2003 transfers the competence for arms and dual-use items licensing to the Regions, except the transfer of goods originating from the Belgian military or police.

More precisely, the Special Law transfers to the Regions: "The import, export and transit of arms, ammunition and equipment specifically intended for



military or law enforcement use and related technology as well as dual-use goods and technology, without prejudice to the federal competence for import and export concerning the army and police and in accordance with the criteria laid down in the European Union Code of Conduct on Arms Exports".

It follows that Regions have a competence in licensing operations clearly listed in the Special Law (import, export and transit), while not listed operations, such as brokering activities, remain a Federal competence.

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## 17. M. Hamilton: "Empowered Officials Are Necessary for ITAR Compliance

(Source: [Tucker Arensberg](#), 20 Mar 2019.)

\* Author: Mark Hamilton, Esq., Tucker Arensberg Attorneys, [mhamilton@tuckerlaw.com](mailto:mhamilton@tuckerlaw.com).

The International Traffic in Arms Regulations (ITAR) requires companies to appoint Empowered Officials. See [22 CFR § 120.25](#). Failure to take this requirement seriously can be costly - as [one company](#) recently found out. Here's what you need to know.

An Empowered Official must be a lawful permanent US resident that:

- (1) Your company or its subsidiary directly employs in a position of authority pertaining to your company's policy or management;
- (2) This person must be given written legal authority to sign license applications or other such requests for your company;
- (3) This person must understand the relevant export control regimes, including the criminal, civil and administrative penalties for violations of both ITAR and the Arms Export Control Act; and
- (4) This person must have independent authority to:
  - (i) Make inquiries into your company's export, import and brokering activity;
  - (ii) Verify the legality of transactions and accuracy of information submitted on behalf of your company; and
  - (iii) Refuse to sign license applications or other requests without penalty or repercussion.

As you can see, the U.S. Government takes this requirement seriously. So your company's decision to appoint an Empowered Official should be carefully made and this person needs to be given the requisite authority and training to fulfill your company's responsibilities under the statute.

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## 18. M. Volkov: "Ethics, Profits, Sustainability and



## Stakeholders: An Update on a Familiar Relationship"

(Source: [Volkov Law Group Blog](#), 22 Mar 2019.) Reprinted by permission.)

\* Author: Michael Volkov, Esq., Volkov Law Group, [mvolkov@volkovlaw.com](mailto:mvolkov@volkovlaw.com), 240-505-1992.

And now we return to a familiar theme with some important updates - I always start with the simple pro that does not mean that ethical companies will always be profitable, but it does mean that ethical companies will perform better than they would otherwise perform.

Some call this the ethical advantage or the ethical premium. I like to call it good old common sense. There is a growing body of research in this area confirming this connection between ethics and performance. I have cited this in earlier postings. ([Here](#)).

An interesting report in this area has been developed by JUST U.S. Large Cap Equity ETF (JUST). ([Here](#)).

Each year JUST capital conducts a survey on what it defines as ideal criteria for companies, focused on worker pay, well-being, customer treatment, privacy, beneficial products, environmental impact, job creation, strong communities and ethical leadership. The survey considers 80 items of information about each company and then ranks the companies. JUST created a index consisting of 428 companies and compared the performance of these 428 companies to the Russell 1000 companies over the period 2007 to 2018.

Lo and behold, the JUST index companies return was nearly 2 percent higher than the Russell's 1000 listing (10.4 percent to 8.7 percent). Additionally, the JUST companies delivered a 7 percent higher return on investment over the last five years than the Russell 1000 companies not included in the JUST Index.

Many continue to criticize and seek reform of our current financial reporting scheme and the obsession with quarterly financial reports. Some have suggested that this short-term perspective leads to short-sighted definition of business "success."

Measuring a company's profits requires a long-term perspective. But what do we mean by that? A three-month period, or quarter, is certainly not an accurate barometer of financial success. It takes time (and money) to invest in new products and services, implement a new competitive strategy, seek a competitive advantage in the market, or respond to consumer demands.

This is where ethical decision making or ethical business leadership can play a role. Applying this construct, ethical business leaders may ground themselves by weighing all stakeholders' interests (of which shareholders are one). Business leaders have to understand the context in which they operate and understand that they have stakeholders that are not just shareholders. A company has a social contract that encompasses society and the community in which it operates.



At the same time, a short-term, quarterly perspective, forecloses consideration of efforts that require a longer time to materialize. Sometimes companies employ a more refined weighing of strategies that may bear fruit over a longer time period.

How does a company establish a positive image over the long term? There are a number of relevant factors, one of which is the company's fair and honest treatment of customers and employees. When consumers look for an industry leader and potential employees are considering employment opportunities, companies with ethical reputations and business practices are likely at the top of the list.

Shareholders consist of individuals and institutions that own company stock. Corporate boards and managers should not solely focus on immediate shareholder needs or input because responsible management includes long-term competition and sustainable growth.

A simple but helpful exercise is to create a page with three columns: the first consists of a list of all stakeholders in priority (e.g. shareholders, employees, vendors/suppliers, customers); the second includes a list of each stakeholder's interests and goals; and the third column lists the likely impact of a business decision on each stakeholder.

A company's intangible positive support is often referred to as "goodwill," i.e. the business's reputation, its brand name, its workforce attitude, and the loyalty of its customer base. The ethical performance of the company, its managers and its employees will increase the value of these components. The company's culture consists of shared beliefs, values and behaviors that create an internal environment within which managers, employees, and other stakeholders interact.

In this context, it is easy to see that a long-term view of business success is critical for accurately measuring profitability. If the company's stakeholders benefit from ethical conduct, increasing goodwill and profitability, the perspective of stakeholders will positively turn to longer-term and sustainable growth strategies.

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## EX/IM TRAINING EVENTS & CONFERENCES



19. ECS Presents "2nd Annual ECS ITAR/EAR Symposium and Boot Camp" on 17-19 Sep in Annapolis, MD

(Source: S. Palmer, [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com).)



\*What: The 2nd Annual ECS ITAR/EAR Symposium and Boot Camp; Annapolis, MD  
\* When: 17-19 September 2019  
\* Where: [Chart House](#)  
\* Sponsor: Export Compliance Solutions & Consulting (ECS)  
\* ECS Speaker Panel: Suzanne Palmer, Mal Zerden, Lisa Bencivenga, Timothy Mooney, Matthew McGrath, Matt Doyle  
\* Register [here](#) or by calling 866-238-4018 or e-mail [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com)

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20. FCC Presents "An Introduction to EU / Dutch Dual-Use and Military Export Controls", 7 May in Bruchem, the Netherlands

(Source: [Full Circle Compliance](#), [events@fullcirclecompliance.eu](mailto:events@fullcirclecompliance.eu).)

This 1-day training course is ideally suited for compliance professionals and those in a similar role who aim to gain a better understanding of EU and Dutch export control laws and regulations and industry's best practices to ensure compliance.

The course will cover multiple topics relevant for organizations subject to EU and Dutch dual-use and/or military export controls, including: the EU and Dutch regulatory framework; key concepts and definitions; practical tips regarding classification and licensing, and for ensuring a compliant shipment; identifying red flag situations and handling (potential) non-compliance issues; and the latest developments regarding Internal Compliance Program requirements in the EU and the Netherlands.

\* Training Event: "An Introduction to EU / Dutch Dual-Use and Military Export Controls"

\* Date: Tuesday, 7 May 2019

\* Location: Full Circle Compliance, Landgoed Groenhoven, Dorpsstraat 6, Bruchem, The Netherlands

\* Times:

- Registration and welcome: 9.00 am - 9.30 am
- Training course hours: 9.30 am - 4.00 pm

\* Level: Awareness / Beginner.

\* Target Audience: Compliance professionals or those in a similar role in any industry affected by EU/Dutch export controls (e.g., manufacturing, logistics, research & development, aerospace & defense, government, etc.).

\* Instructors: Marco F.N. Crombach MSc (Senior Manager) & Vincent J.A. Goossen MA (Program Manager).

\* Information & Registration: click [here](#) or contact us at [events@fullcirclecompliance.eu](mailto:events@fullcirclecompliance.eu) or 31 (0)23 - 844 - 9046.

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## 21. List of Approaching Events: 146 Events Posted This Week, Including 9 New Events (Sources: Editor and Event Sponsors)

Published every Friday or last publication day of the week, our overview of Approaching Events is organized to list continuously available training, training events, seminars & conferences, and webinars.

If you wish to submit an event listing, please send it to to [jobs@fullcirclecompliance.eu](mailto:jobs@fullcirclecompliance.eu), composed in the below format:

# \* Date: Location; "Event Title"; <Weblink>; EVENT SPONSOR

"# \*" = New or updated listing

### ***Continuously Available Training***

- \* E-Seminars: "[US Export Controls](#)" / "[Defense Trade Controls](#)"; Export Compliance Training Institute; [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com)
- \* Webinar: "[Company-Wide US Export Controls Awareness Program](#)"; Export Compliance Training Institute; [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com)
- \* E-Seminars: "[ITAR/EAR Awareness](#)"; Export Compliance Solutions; [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com)
- \* Online: "[Simplified Network Application Process Redesign \(SNAP-R\)](#)"; Commerce/BIS; 202-482-2227
- \* E-Seminars: "[Webinars On-Demand Library](#)"; Sandler, Travis & Rosenberg, P.A.
- \* Online: "[International Trade Webinars](#)"; Global Training Center
- \* Online: "[On-Demand Webinars](#)"; "[General Training](#)"; Center for Development of Security Excellence; Defense Security Service (DSS)
- \* Online: "[ACE Reports Training and User Guide](#)"; DHS/CBP
- \* Online: "[Increase Your International Sales - Webinar Archive](#)"; U.S. Commercial Service
- \* Web Form: "[Compliance Snapshot Assessment](#)"; Commonwealth Trading Partners (CTP)
- \* Online: "[Customs Broker Exam Prep Course](#)"; The Exam Center

### ***Seminars and Conferences***

- \* Mar 24-27: Orlando, FL; "[2019 ICPA Annual Conference](#)"; ICPA
- \* Mar 25-27: San Francisco; "[Global Encryption, Cloud and Cyber Trade Controls Conference](#)"; Thomsen & Burke LLP;
- \* Mar 26: Leeds, UK; "[Understanding Exporting](#)"; Chamber International
- \* Mar 26-27: Pittsburgh, PA; "[Complying with U.S. Export Controls](#)"; Commerce/BIS
- \* Mar 26-27: Scottsdale, AZ; "[Managing ITAR/EAR Complexities](#)"; Export Compliance Solutions (ECS); [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com) or 866-238-4018
- \* Mar 27: Bristol, UK; "[Classification of Goods - Using Commodity and Tariff Codes](#)"; BusinessWest



- \* Mar 27: Bristol, UK; "Incoterms® Rules 2010"; BusinessWest
- # \* Mar 27: Washington D.C.; "Making Sanctions Effective: The Case of North Korea"; Committee on Foreign Affairs
- \* Mar 27-28: San Francisco, CA; "Global Encryption, Cloud & Cyber Trade Controls"; American Conference Institute
- \* Mar 28: Bristol, UK; "Introduction to Export Procedures"; BusinessWest
- # \* Mar 28: Geneva, Switzerland; "Sanctions in an era of trans-Atlantic Geopolitical Divergence"; Graduate Institute Geneva
- \* Mar 29: Leeds, UK; "How to Complete Export Declarations"; Chamber International
- \* Apr 1: Eindhoven, NL; "Export Control, Dual-use en Sancties"; Fenex
- \* Apr 2: Brussels, Belgium; "Dual-Use, Military Research & Misuse"; Vrije Universiteit Brussel
- \* Apr 2: Delft, The Netherlands; "Export Compliance Training"; Netherlands Aerospace Group and Full Circle Compliance
- \* Apr 1-4: Washington, DC; "ITAR Defense Trade Controls / EAR Export Controls Seminar"; ECTI
- \* Apr 2-3: Long Beach, CA; "Voluntary Disclosure/Self Disclosure and Exemptions/Exceptions Seminars"; SIA
- \* Apr 3-4: Denver, CO; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Apr 4-5; Miami, FL; "CTPAT Training"; SCS America
- \* Apr 9: Bruchem, The Netherlands; "Awareness Course U.S. Export Controls: ITAR & EAR from a Non-U.S. Perspective"; Full Circle Compliance
- \* Apr 9: Sheffield, UK; "An Introduction to Export"; Sheffield Chamber of Commerce
- \* Apr 9: London, UK; "Strategic Export Control: Intermediate Practitioners Course"; UK/DIT
- # \* Apr 10: Arlington, VA; "Basic ITAR"; Barnes & Thornburg
- \* Apr 10: London, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* Apr 10: London, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* April 10: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Apr 16: Leeds, UK; "Export Documentation"; Chamber International
- \* Apr 17: Miami, FL; "CBP COMPLIANCE & ENFORCEMENT"; Diaz Trade Consulting
- \* Apr 17-18; Miramar, FL; "11th Maritime Forwarding, Freight Logistics & Global Chain Supply Workshop"; ABS Consulting;
- \* Apr 17-18: Scottsdale, AZ; "Complying with U.S. Export Controls"; Commerce/BIS
- \* April 18: Sheffield, UK; "International Trade Operations and Procedures (ITOPS)"; Sheffield Chamber of Commerce
- # \* Apr 23: Anaheim, CA; "Export Controls Essentials: What Finance Personnel Need to Know"; California State University
- \* Apr 23-24: Portsmouth, NH; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Apr 25: Portsmouth, NH; "Technology Controls"; Commerce/BIS
- \* Apr 25: London, UK; "Making better License Applications"; UK/DIT
- # \* Apr 25: Minneapolis, MN; "Importing 201: Advanced Import Compliance"; Global Training Center
- \* Apr 25-26: Dallas, TX; "Compliance Officer Training"; Globaleyes;



[andrewmell@getglobaleyes.com](mailto:andrewmell@getglobaleyes.com)

- \* Apr 29-May 2: London, UK; "US Export Controls on Non-US Transactions: EAR, OFAC & ITAR Compliance for EU/UK and other Non-US Companies PLUS Other Country Controls Comparison to US"; ECTI
- \* Apr 30-May 1: Irvine, CA: "Complying with U.S. Export Controls"; Commerce /BIS
- \* Apr 30-May 1: Nashville, TN: "Mastering ITAR/EAR Challenges"; Export Compliance Solutions (ECS);
- \* May 1: Leeds, UK; "Understanding Exporting & Incoterms"; Chamber International
- \* May 2-3: Washington DC; "Economic Sanctions Enforcement and Compliance;" American Conference Institute
- \* May 5: Munich, Germany; "European and German Export Controls"; AWA;
- \* May 5-7: Savannah, GA; "2019 Spring Seminar"; National Association of Foreign Trade Zones (NAFTZ)
- \* May 6-7: Atlanta, GA; "2019 Spring Conference"; SIA
- \* May 7: Bruchem, The Netherlands; "An Introduction to EU / Dutch Dual-Use and Military Export Controls"; Full Circle Compliance
- \* May 8: Southampton, UK; "Strategic Export Control: Intermediate Practitioners course"; UK/DIT
- \* May 9: Southampton, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* May 9: Southampton, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* May 9: Sheffield, UK; "Essential Incoterms - Getting it Rights"; Sheffield Chamber of Commerce
- \* May 13-16: Washington, D.C.; "ITAR / EAR / OFAC Commercial and Military Export Controls. How ITAR, EAR & OFAC Regulations Impact Non-US Companies, Affiliates and Transactions"; ECTI;
- \* May 15: Bristol, UK; "A Foundation Course in Importing"; BusinessWest
- \* May 15-17; London, UK; "ICPA European Conference"; ICPA
- \* May 16: Bristol, UK; "Export Controls and Licensing"; BusinessWest
- \* May 16: Bristol, UK; "Inward Processing Relief"; BusinessWest
- \* May 16: Hamburg, Germany; "U.S. Export Controls and Embargoes & Sanctions for European Companies"; Hamburger Zollakademie
- \* May 16-17; Toronto, Canada; "ICPA Canada Conference"; ICPA
- # \* May 17: Milwaukee, WI; "Importing 201: Advanced Import Compliance"; Global Training Center
- \* May 19: Traverse City; "Export Compliance Overview Training"; Foster Swift Collins & Smith PC
- \* May 21: London, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* May 27-30: Singapore; "US Export Controls on Non-US Transactions: EAR, OFAC & ITAR Compliance for Asia and other Non-US Companies PLUS Other Country Controls Comparison to US"; ECTI;
- \* Jun 5-6: Seattle, WA; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Jun 7: Upper Marlboro, MD; "2019 Spring Golf Outing"; SIA
- \* Jun 10: Cleveland, OH; "Letters of Credit"; Global Training Center
- \* Jun 11: Cleveland, OH; "Export Doc & Proc"; Global Training Center
- \* Jun 11: Sheffield, UK; "Customs Procedures and Compliance in International Trade"; Sheffield Chamber of Commerce



- \* Jun 11-12: Detroit, MI; "Complying with U.S. Export Controls";  
Commerce/BIS
- \* Jun 12: Cleveland, OH; "Tariff Classification"; Global Training Center
- \* Jun 12: Derby, UK; "Strategic Export Control: Intermediate Practitioners course"; UK/DIT
- \* Jun 13: Cleveland, OH; "NAFTA Rules of Origin"; Global Training Center
- \* Jun 13: Derby, UK; "Strategic Export Control: Foundation Workshop";  
UK/DIT
- \* Jun 13: Derby, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* Jun 13: Detroit, MI; "How to Build an Export Compliance Program";  
Commerce/BIS
- \* Jun 14: Cleveland, OH; "Incoterms® 2010 Rules"; Global Training
- \* Jun 17-20: San Diego, CA; "ITAR Defense Trade Controls / EAR Export Controls"; ECTI
- \* Jul 3: Bristol, UK; "Introduction to Export Procedures - Export Training";  
BusinessWest
- \* Jul 3: Cambridge, UK; "Strategic Export Control: Intermediate Practitioners Course"; UK/DIT
- \* Jul 4: Cambridge, UK; "Strategic Export Control: Foundation Workshop";  
UK/DIT
- \* Jul 4: Cambridge, UK; "Strategic Export Control: Licenses Workshop";  
UK/DIT
- \* Jul 4: Bristol, UK; "Using Documentary Letters of Credit, Drafts and Bills"; BusinessWest
- \* Jul 4: Sheffield, UK; "An Introduction to Export"; Sheffield Chamber of Commerce
- \* Jul 8-9: Seattle, WA: "Boot Camp: Achieving ITAR/EAR Compliance"; Export Compliance Solutions (ECS);
- \* Jul 8 - 10: National Harbour, MD; "2019 Summer Back to Basics Conference"; SIA
- \* Jul 9-11: Washington; "BIS 2019 Annual Conference on Export Controls and Policy"; Commerce/BIS
- \* July 10: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Jul 11: Birmingham, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Jul 24-25: St. Louis, MO; "Complying with U.S. Export Controls";  
Commerce/BIS
- \* Aug 20-21: Cincinnati, OH; "Complying with U.S. Export Controls";  
Commerce/BIS
- \* Aug 20-21: Milpitas, CA; "Complying with U.S. Export Controls";  
Commerce/BIS
- \* Aug 22: Milpitas, CA; "Encryption Controls"; Commerce/BIS
- \* Sep 2, 9, 16: Rotterdam, the Netherlands; "Awareness training Export Control, Dual-use en Sancties"; FENEX
- \* Sep 8-11: Chicago, IL; "2019 Annual Conference and Exposition"; National Association of Foreign Trade Zones (NAFTZ)
- \* Sep 16-19: Austin, TX; "ITAR Controls / EAR & OFAC Export Controls (Sep 18-19) Seminar Series"; ECTI; 540-433-3977
- \* Sep 17: Sheffield, UK; "Customs Procedures and Compliance in International Trade"; Sheffield Chamber of Commerce



- \* Sep 17-19: Annapolis, MD; "The ECS 2nd Annual ITAR/EAR Symposium"; ECS
- \* Sep 20: Las Vegas; "EAR and OFAC Fundamentals: Export Control Of Dual-Use Equipment"; Barnes & Thornburg LLP
- \* Sep 25: Bristol, UK; "Classification of Goods - Using Commodity and Tariff Codes"; BusinessWest
- \* Sep 25: Bristol, UK; "Incoterms® Rules 2010"; BusinessWest
- \* Sep 25: London, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Sep 25: Sheffield, UK; "Essential Incoterms - Getting it Rights"; Sheffield Chamber of Commerce
- \* Sep 26: Bristol, UK; "Understanding The Paperwork"; BusinessWest
- \* Sep 30 - Oct 3; Amsterdam, NL; "ITAR Controls / EAR/OFAC Commercial and Military Controls"; ECTI; 540-433-3977
- \* Oct 7: Munich, Germany; "European and German Export Controls"; AWA
- \* Oct 14-17; Columbus, OH; "University Export Controls Seminar"; ECTI
- \* Oct 17: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Oct 27: Singapore; "5th Asia Pacific Summit on Economic Sanctions Compliance and Enforcement"; American Conference Institute
- \* Oct 28-29: Washington D.C.; "2019 Fall Advanced Conference"; SIA
- \* Oct 28-31; Phoenix, AZ; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Nov 11-14; Washington, DC; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Nov 20: Bristol, UK; "Introduction to Export Procedures - Export Training"; BusinessWest
- \* Nov 21: Bristol, UK; "A Foundation Course in Importing"; BusinessWest
- \* Nov 26: Bruchem, The Netherlands; "The International Traffic in Arms Regulations (EAR) from a non-U.S. Perspective"; Full Circle Compliance
- \* Nov 27: Bruchem, The Netherlands; "The Export Administration Regulations (EAR) from a non-U.S. Perspective"; Full Circle Compliance
- \* Nov 27: Manchester, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Dec 4-5: New York, NY; "10th Annual New York Forum on Economic Sanctions"; American Conference Institute
- \* Dec 4-5: Washington, DC; "36th International Conference on the Foreign Corrupt Practices Act"; American Conference Institute
- \* Dec 9-12; Miami, FL; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Dec 12-13; Washington D.C.; "Coping with U.S. Export Controls and Sanctions 2019"; Practicing Law Institute

## 2020

- \* Jan 30-31: Houston, TX; "14th Forum on the Foreign Corrupt Practices Act"; American Conference Institute

### **Webinars**

- \* Mar 26: Webinar: "Duty Drawback"; CITTA Brokerage Co.



- \* Mar 27: Webinar: "Trade in Turmoil [Monthly Update]"; Sandler, Travis & Rosenberg, P.A
- \* Apr 2: Webinar: "Cornerstones of EAR Compliance: Controlled Items, Activities & Hardware Classification"; ECTI; 540-433-3977
- \* Apr 8: Webinar: "Export Control Compliance: Creating And Self Assessing Your Export Control Program (ECP) To Sanctioned Countries"; GRC Educators
- \* Apr 10: Webinar: "Cornerstones of EAR Compliance: Technology & Software Classification, and No License Required (NLR) Determination"; ECTI; 540-433-3977
- \* Apr 10: Webinar: "Import Compliance Bootcamp"; Sandler, Travis & Rosenberg, P.A
- \* Apr 16: Webinar: "CFIUS Update: New Requirements to Meet, New Industries Affected"; ECTI; 540-433-3977
- # \* Apr 16: Webinar: "Importing 201: Advanced Import Compliance"; Global Training Center
- \* Apr 17: Webinar: "Cornerstones of EAR Compliance: Understanding License Exceptions & End-Use(r) Controls"; ECTI; 540-433-3977
- \* Apr 23: Webinar: "How to Improve Export Compliance with Effective Audits"; ECTI; 540-433-3977
- \* Apr 23: Webinar: "ITAR Training Basics - For Compliance Executives April"; CVG Strategy
- \* Apr 24: Webinar: "Cornerstones of EAR Compliance: License Application Process & Export Clearance"; ECTI; 540-433-3977
- \* Apr 25: Webinar: "Best Practices for Voluntary and Required Self Disclosures"; Massachusetts Export Center
- # \* May 22: Webinar: "ITAR"; Global Training Center
- # \* May 23: Webinar: "EAR"; Global Training Center

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## EDITOR'S NOTES



## 22. Bartlett's Unfamiliar Quotations

(Source: Editor)

\* **Louis L'Amour** (Louis Dearborn L'Amour; 22 Mar 1908 - 10 Jun 1988; was an American novelist and short-story writer. His books consisted primarily of Western novels; however, he also wrote historical fiction as well as poetry and short-story collections. Many of his stories were made into films. At the time of his death almost all of his 105 existing works (89 novels, 14 short-story collections, and two full-length works of nonfiction) were still in print, and he remains one of the world's most popular writers.)

- *"Often I hear people say they do not have time to read. That's absolute nonsense. In the one year during which I kept that kind of record, I read twenty-five books while waiting for people. In offices, applying for jobs, waiting to see a dentist, waiting in a restaurant for friends, many such places."*



**Friday's proverbs:**

- \* Character is always corrupted by prosperity. | Icelandic Proverb
- \* A fault confessed is half redressed. | Zulu Proverb
- \* Everyone is kneaded out of the same dough, but not baked in the same oven. | Yiddish Proverb

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**23. Are Your Copies of Regulations Up to Date?**

(Source: Editor)

The official versions of the following regulations are published annually in the U.S. Code of Federal Regulations (C.F.R.), but are updated as amended in the Federal Register. The latest amendments to applicable regulations are listed below.

\* DHS CUSTOMS REGULATIONS: 19 CFR, Ch. 1, Pts. 0-199. Implemented by Dep't of Homeland Security, U.S. Customs & Border Protection.  
 - Last Amendment: 12 Mar 2019: 84 FR 8807-8809: Extension of Import Restrictions Imposed on Archaeological and Ecclesiastical Ethnological Material From Honduras

\* DOC EXPORT ADMINISTRATION REGULATIONS (EAR): 15 CFR Subtit. B, Ch. VII, Pts. 730-774. Implemented by Dep't of Commerce, Bureau of Industry & Security.

- Last Amendment: 20 Dec 2018: 83 FR 65292-65294: Control of Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML); Correction [Concerning ECCN 7A005 and ECCN 7A105.]

\* DOC FOREIGN TRADE REGULATIONS (FTR): 15 CFR Part 30. Implemented by Dep't of Commerce, U.S. Census Bureau.

- Last Amendment: 24 Apr 2018: 83 FR 17749-17751: Foreign Trade Regulations (FTR): Clarification on the Collection and Confidentiality of Kimberley Process Certificates

- HTS codes that are not valid for AES are available [here](#).

- The latest edition (1 Jan 2019) of *Bartlett's Annotated FTR* ("BAFTR"), by James E. Bartlett III, is available for downloading in Word format. The BAFTR contains all FTR amendments, FTR Letters and Notices, a large Index, and approximately 250 footnotes containing case annotations, practice tips, Census/AES guidance, and explanations of the numerous errors contained in the official text. Subscribers receive revised copies in Microsoft Word every time the FTR is amended. The BAFTR is available by annual subscription from the Full Circle Compliance [website](#). BITAR subscribers are entitled to a 25% discount on subscriptions to the BAFTR. Government employees (including military) and employees of universities are eligible for a 50% discount on both publications at [www.FullCircleCompliance.eu](http://www.FullCircleCompliance.eu).



\* DOD NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPOM): DoD 5220.22-M. Implemented by Dep't of Defense.

- Last Amendment: 18 May 2016: Change 2: Implement an insider threat program; reporting requirements for Cleared Defense Contractors; alignment with Federal standards for classified information systems; incorporated and cancelled Supp. 1 to the NISPOM (Summary [here](#).)

\* DOE ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES: 10 CFR Part 810; Implemented by Dep't of Energy, National Nuclear Security Administration, under the Atomic Energy Act of 1954.

- Last Amendment: 23 Feb 2015: 80 FR 9359, comprehensive updating of regulations, updates the activities and technologies subject to specific authorization and DOE reporting requirements. This rule also identifies destinations with respect to which most assistance would be generally authorized and destinations that would require a specific authorization by the Secretary of Energy.

\* DOE EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; 10 CFR Part 110; Implemented by Dep't of Energy, U.S. Nuclear Regulatory Commission, under the Atomic Energy Act of 1954.

- Last Amendment: 20 Nov 2018, 10 CFR 110.6, Re-transfers.

\* DOJ ATF ARMS IMPORT REGULATIONS: 27 CFR Part 447-Importation of Arms, Ammunition, and Implements of War. Implemented by Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives.

- Last Amendment: 14 Mar 2019: 84 FR 9239-9240: Bump-Stock-Type Devices

\* DOS INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR): 22 C.F.R. Ch. I, Subch. M, Pts. 120-130. Implemented by Dep't of State, Directorate of Defense Trade Controls.

- Last Amendment: 19 Mar 2019: 84 FR 9957-9959: Department of State 2019 Civil Monetary Penalties Inflationary Adjustment

- The only available fully updated copy (latest edition: 19 March 2019) of the ITAR with all amendments is contained in *Bartlett's Annotated ITAR* ("BITAR"), by James E. Bartlett III. The BITAR is a 361-page Word document containing all ITAR amendments to date, plus a large Index, over 800 footnotes containing amendment histories, case annotations, practice tips, DDTC guidance, and explanations of errors in the official ITAR text. Subscribers receive updated copies of the BITAR in Word by download, usually revised within 24 hours after every ITAR amendment. The BITAR is available by annual subscription from the Full Circle Compliance [website](#). BAFTR subscribers receive a \$25 discount on subscriptions to the BITAR, please [contact us](#) to receive your discount code.

\* DOT FOREIGN ASSETS CONTROL REGULATIONS (OFAC FACR): 31 CFR, Parts 500-599, Embargoes, Sanctions, Executive Orders. Implemented by Dep't of Treasury, Office of Foreign Assets Control.

- Last Amendment: 15 Mar 2019: 84 FR: 9456-9458: List of Foreign Financial Institutions Subject to Correspondent Account or Payable-Through Account Sanctions (CAPTA List)



\* USITC HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS, HTSA or HTSUSA), 1 Jan 2019: 19 USC 1202 Annex. Implemented by U.S. International Trade Commission. ("HTS" and "HTSA" are often seen as abbreviations for the Harmonized Tariff Schedule of the United States Annotated, shortened versions of "HTSUSA".)

- Last Update: 7 Mar 2019: Harmonized System Update (HSU) 1903 [contains 67 ABI records and 13 harmonized tariff records].
- HTS codes for AES are available here.
- HTS codes that are not valid for AES are available here.

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## 24. Weekly Highlights of the Daily Bugle Top Stories (Source: Editor)

Review last week's top Ex/Im stories in "Weekly Highlights of Daily Bugle Top Stories" posted here.

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## EDITORIAL POLICY

\* The Ex/Im Daily Update is a publication of FCC Advisory B.V., compiled by: Editor, James E. Bartlett III; Assistant Editors, Alexander P. Bosch and Vincent J.A. Goossen; and Events & Jobs Editor, Alex Witt. The Ex/Im Daily Update is emailed every business day to approximately 7,000 readers of changes to defense and high-tech trade laws and regulations. We check the following sources daily: Federal Register, Congressional Record, Commerce/AES, Commerce/BIS, DHS/CBP, DOE/NRC, DOJ/ATF, DoD/DSS, DoD/DTSA, FAR/DFARS, State/DDTC, Treasury/OFAC, White House, and similar websites of Australia, Canada, U.K., and other countries and international organizations. Due to space limitations, we do not post Arms Sales notifications, Denied Party listings, or Customs AD/CVD items.

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## Message

**From:** Jim Bartlett, Full Circle Compliance ("FCC") [jebartlett@fullcirclecompliance.eu]  
**Sent:** 3/22/2019 7:34:00 PM  
**To:** minarichcm@state.gov  
**Subject:** 19-0322 Friday "Daily Bugle"

Friday, 22 March 2019



The Daily Bugle is a free daily newsletter from Full Circle Compliance, containing changes to export/import regulations (ATF, DOE/NRC, Customs, NISPOM, EAR, FACR/OFAC, FAR/DFARS, FTR/AES, HTSUS, and ITAR), plus news and events. Subscribe [here](#) for free subscription. [Contact us](#) for advertising inquiries and rates.

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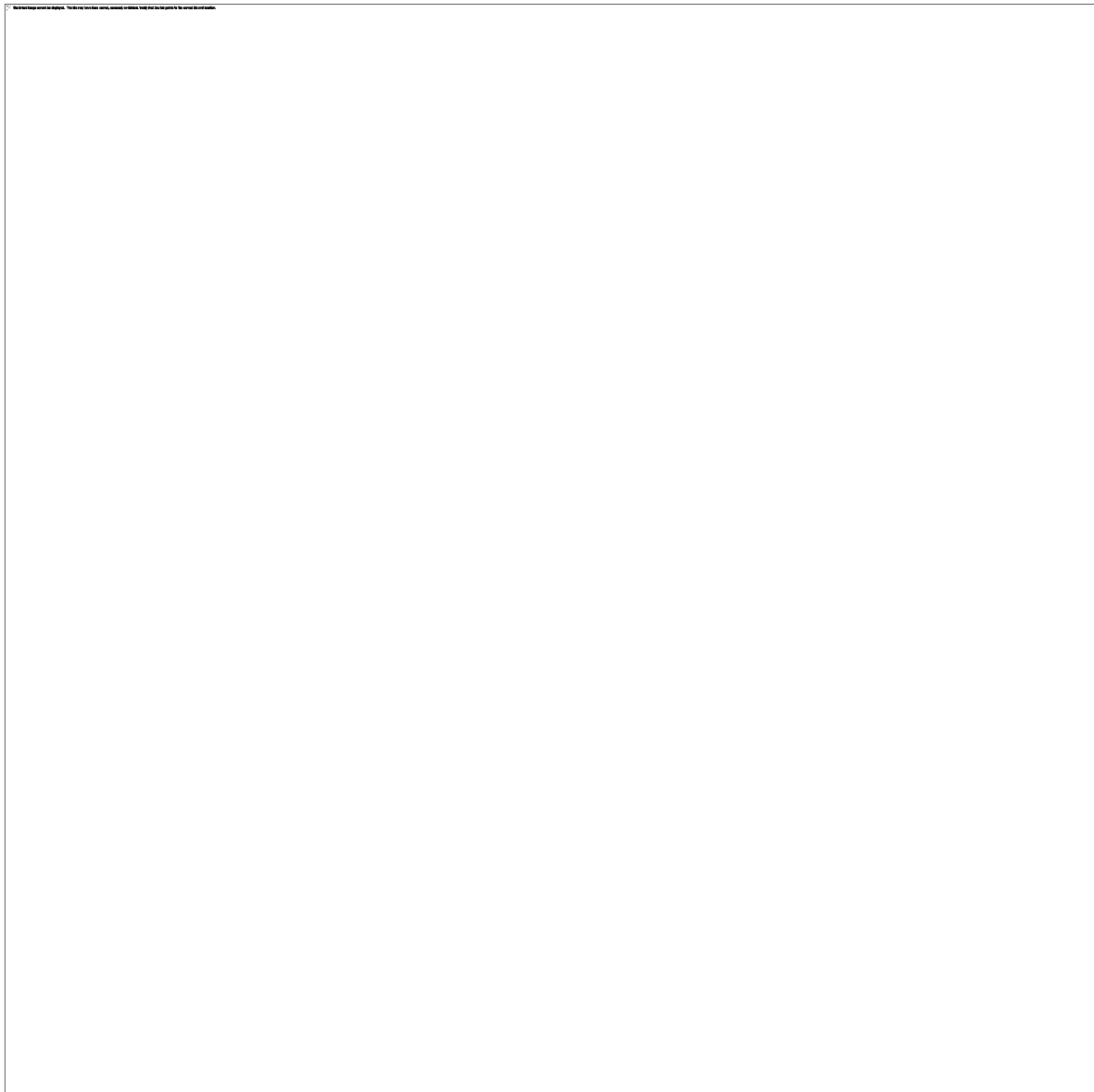
[ECS Presents "2nd Annual ECS ITAR/EAR Symposium and Boot Camp" on 17-19 Sep in Annapolis, MD](#)

20. [FCC Presents "An Introduction to EU / Dutch Dual-Use and Military Export Controls", 7 May in Bruchem, the Netherlands](#)
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#### ITEMS FROM TODAY'S FEDERAL REGISTER



1. USTR Announces Modifications to Rules of Origin of the United States Morocco Free Trade Agreement  
(Source: [Federal Register](#), 22 Mar 2019.)

84 FR 10883: Effective Date of Modifications to Rules of Origin of the United States Morocco Free Trade Agreement



- \* AGENCY: Office of the United States Trade Representative.
- \* ACTION: Notice.
- \* SUMMARY: In December 2018, the President modified the rules of origin for certain goods of Morocco under the United States-Morocco Free Trade Agreement (USMFTA). This notice announces the effective date for those modifications.
- \* DATES: **This notice is applicable on April 1, 2019.**
- \* FOR FURTHER INFORMATION CONTACT: Janet Heinzen, Deputy Assistant U.S. Trade Representative for Textiles, at 202-395-6092 or [janet.e.heinzen@ustr.eop.gov](mailto:janet.e.heinzen@ustr.eop.gov).
- \* SUPPLEMENTARY INFORMATION: ...

In 2015 and 2016, the Government of Morocco submitted requests to modify certain textile and apparel rules of origin based on commercial availability of specific inputs. Following public comment on the proposed rules changes, the United States and Morocco reached agreement to modify certain rules of origin. Pursuant to the USMFTA Implementation Act, the International Trade Commission conducted an economic impact review and concluded that the impact on U.S. imports, exports, and production of the proposed modifications would be negligible. The Industry Trade Advisory Committee on Textiles and Clothing did not object to the proposed modifications. Congress also did object during the consultation and layover process.

In Proclamation 9834 of December 21, 2018, the President determined pursuant to section 203 of the USMFTA Implementation Act, that the subject modifications to the HTSUS were appropriate and modified general note 27 to the HTSUS with respect to goods of Morocco. The modifications are effective with respect to goods of Morocco entered or withdrawn from warehouse for consumption on the date announced by the United States Trade Representative in the Federal Register.

On March 4, 2019, Morocco notified the United States that it had completed its domestic procedures to give effect to the agreement to change the USMFTA rules of origin for certain apparel goods of specified fabrics with respect to goods of the United States. Subsequently, Morocco and the United States agreed to implement these changes with respect to each other's eligible goods, effective April 1, 2019.

William Jackson, Assistant U.S. Trade Representative for Textiles, Office of the U.S. Trade Representative.

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\* \* \* \* \*

## OTHER GOVERNMENT SOURCES



2. Items Scheduled for Publication in Future Federal Register Editions  
(Source: [Federal Register](#))



\* Commerce; Industry and Security Bureau; NOTICES; Agency Information Collection Activities; Proposals, Submissions, and Approvals: Special Priorities Assistance [Pub. Date: 25 Mar 2019.]

\* Treasury; Foreign Assets Control Office; NOTICES; Blocking or Unblocking of Persons and Properties [Pub. Date: 25 Mar 2019.]

\* U.S. Trade Representative; NOTICES; 2019 Generalized System of Preferences: Annual GSP Product and Country Review; Deadline for Filing Petitions [Pub. Date: 25 Mar 2019.]

\* U.S. Trade Representative; NOTICES; Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation [Pub. Date: 25 Mar 2019.]

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### 3. Commerce/BIS: (No new postings.)

(Source: [Commerce/BIS](#))

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### 4. DHS/CBP Posts Notice on Common Create/Update Importer Identity Form ACE Error Message Solutions

(Source: [CSMS 19-000146](#), 21 Mar 2019.)

CBP is providing a list of solutions for the most common errors that are being experienced with inputting the Create/Update Importer Identity Form (CBP Form 5106).

#### *Error Message PDM - Data Element PATTERN UNKNOWN*

Solution: Many create/update importer record requests are being submitted with phone numbers that include dashes in the TD record. Phone numbers should be provided in the TD record as either an unseparated group of numbers, example 1234567899, or with spaces, example 123 456 7899.

Another input mistake that can cause the PDM error is not providing names in the TL record (Certification) with commas, per the Create/Update Importer Identity Form CATAIR's instructions. For example, "John Weer Doe" needs to be provided in the TL record as "Doe, John, W". The CATAIR can be accessed on [cbp.gov](#).

#### *Error Message MVM - Data Element MISSING*

Solution: Many of the CBP Form 5106s being uploaded to CBP are missing a title in the TL record for the individual certifying the form. This data element is



the "Printed or Typed Full Name" block in section 4 of the new CBP Form 5106. Both a name and title are mandatory data elements on the revised CBP Form 5106.

*Error Message R05 - IMPORTER NUMBER ALREADY ON FILE*

Solution: This error is being caused by Importer of Record (IOR) creation being requested for IORs that already exist. Entities or their representatives should ensure that they are selecting the correct type of action, "Notification of identification number" (create), "Change of Name" (update), and "Change of Address" (update), when submitting a Create/Update Importer Identity request.

Please note, information on existing IOR numbers can potentially be obtained from the [5106@cbp.dhs.gov](mailto:5106@cbp.dhs.gov) mailbox by an IOR's owner or individuals representing the IOR with an active Power of Attorney.

*Error Message X39 - DATA FOUND IN FILLER*

Solution: Refer to "ACE Draft CATAIR: Importer/Consignee Create/Update" on [cbp.gov](http://cbp.gov) and ensure that the data being input in the new ACE CBP Form 5106 Automated Broker Interface/EDI is not being accidentally entered into a portion of a record that can only be occupied by "space fill". For example, if the Alternate Importer Name provided in the TA record exceeds 32 characters, the additional characters will overflow into the filler record which will cause an X39 error. Records that have a filler component that can only contain "space fill", as outlined by the "ACE Draft CATAIR: Importer/Consignee Create/Update", are TA, T3, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN. The CATAIR can be accessed on [cbp.gov](http://cbp.gov).

An error message dictionary for the Create/Update Importer Identity Form (CBP Form 5106) functionality can be found on [cbp.gov](http://cbp.gov).

Questions or concerns about CBP Form 5106 ACE error messages should be sent to [5106@cbp.dhs.gov](mailto:5106@cbp.dhs.gov).

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## 5. Justice: "Australian National Sentenced to Prison Term For Exporting Electronics to Iran"

(Source: [Justice](#), 21 Mar 2019.) [Excerpts.]

An Australian man was sentenced today to 24 months in prison on four counts of violations of the International Emergency Economic Powers Act, which criminalizes knowing transactions with Iranian entities without a license from the U.S. Department of Treasury.

David Russell Levick, 57, of Cherrybrook NSW, Australia, pled guilty to the charges on Feb. 1, 2019, in the U.S. District Court for the District of Columbia.



He was sentenced by the Honorable James E. Boasberg. In addition to the prison term, Levick must pay a forfeiture amount of \$199,227, which represents the total value of the goods involved in the illegal transactions. Following completion of his prison term, Levick will be subject to deportation proceedings. ...

According to the plea documents, Levick was the general manager of ICM Components, Inc., located in Thornleigh Australia. He solicited purchase orders and business for the goods from a representative of a trading company in Iran. This person in Iran, referenced in court documents as "Iranian A," also operated and controlled companies in Malaysia that acted as intermediaries for the Iranian trading company.

Levick then placed orders with U.S. companies on behalf of "Iranian A" for the goods, which were aircraft parts and other items that "Iranian A" could not have directly purchased from the United States without the permission of the U.S. government.

The defendant admitted to procuring or attempting to procure the following items for transshipment to Iran, each of which required a license from the Treasury Department prior to any export to Iran:

- Precision Pressure Transducers. These are sensor devices that have a wide variety of applications in the avionics industry, among others, and can be used for altitude measurements, laboratory testing, measuring instrumentations and recording barometric pressure.
- Emergency Floatation System Kits. These kits contained a landing gear, float bags, composite cylinder and a complete electrical installation kit. Such float kits were designed for use on Bell 206 helicopters to assist the helicopter when landing in either water or soft desert terrain.
- Shock Mounted Light Assemblies. These items are packages of lights and mounting equipment designed for high vibration use and which can be used on helicopters and other fixed wing aircraft.

When necessary, Levick used a broker in Tarpon Springs, Florida, through whom orders could be placed for the parts to further conceal the fact that the parts were intended for transshipment to "Iranian A" in Iran. Levick intentionally concealed the ultimate end-use and end-users of the parts from manufacturers, distributors, shippers, and freight forwarders located in the United States and elsewhere. In addition, Levick and others structured their payments between each other for the parts to avoid trade restrictions imposed on Iranian financial institutions by other countries. Levick and ICM wired money to companies located in the United States as payment for the parts.

The activities took place in 2007 and 2008. Levick was indicted in February 2012. At the request of the United States, Australia arrested him for the purposes of extradition, and Australia extradited him to the United States in December 2018. He has remained in custody here. ...

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## 6. State/DDTC: (No new postings.)

(Source: State/DDTC)

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## 7. Treasury/OFAC P Updates Guidance on Addressing North Korea's Illicit Shipping Practices

(Source: Treasury/OFAC, 21 Mar 2019.) [Excerpts.]

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC), with the U.S. Department of State and the U.S. Coast Guard, is updating the advisory published on February 23, 2018. This advisory provides new information about North Korea's deceptive shipping practices, additional guidance on how to mitigate the risk of involvement in these practices, a new graphic depicting certain ports of call, and three new annexes. The U.S. government recommends that all parties involved in the shipping industry and related commercial entities, including ship owners, managers, and operators, brokers, flag registries, oil companies, port operators, shipping companies, classification service providers, insurance companies, and financial institutions - be aware of the practices set out in this advisory in order to implement appropriate controls to identify North Korea's illicit shipping practices.

Despite robust U.S. and United Nations (UN) sanctions on North Korea, North Korea continues to evade sanctions, particularly through illicit ship-to-ship transfers of refined petroleum and coal. In 2018, North Korean ports received at least 263 tanker deliveries of refined petroleum procured from UN-prohibited ship-to-ship transfers. If these tankers were fully laden when they made their delivery, North Korea would have imported 3.78 million barrels, or more than seven and a half times the allowable amount of refined petroleum (i.e., 500,000 barrels/year) under UN Security Council Resolution (UNSCR) 2397.

In addition to continued illicit imports of refined petroleum, North Korea has resumed exports of coal in the Gulf of Tonkin. UNSCR 2371, adopted in August 2017, prohibits the procurement of North Korean-origin coal, and UNSCR 2397, adopted in December 2017, acknowledges that the proceeds of North Korea's trade in sectoral goods, including coal, contribute to the regime's nuclear weapons and ballistic missile programs. The United States will continue to use its sanctions authorities to target persons in various industries, including, but not limited to, the shipping industry that further North Korea's illicit revenue-generating schemes that fund the regime's nuclear weapons and ballistic missile programs.

This advisory now contains five annexes, three of which are new. The first provides an overview of U.S. and UN sanctions relevant to the shipping industry, including a non-exhaustive list of bases for which persons may be sanctioned by OFAC. The second provides an updated list of 28 North Korean tankers known to be capable of engaging in ship-to-ship transfers of refined petroleum products and other banned goods. The new third annex provides



specific guidance for UN Member States and relevant industry actors on best practices to avoid engaging in North Korea-related illicit activities. The new fourth annex provides a list of 18 vessels that are believed to have engaged in illicit ship-to-ship transfers of refined petroleum with North Korean tanker vessels. The new fifth annex provides a list of 49 vessels that are believed to have exported North Korean-origin coal.

The United States, along with Australia, Canada, France, Italy, Japan, and the United Kingdom, have highlighted these deceptive practices at the International Maritime Organization (IMO) to call all IMO Member States' attention to these deceptive shipping practices, and to remind all Members States of the requirements and guidance contained in relevant IMO instruments. The IMO consequently issued Circular MSC.1/Circ. 1602 on March 5, 2019, to call the attention of all Member States and other maritime industry stakeholders to North Korea's deceptive practices. The United States requests that UN Member States, port state control authorities, and flag registries provide this advisory to all relevant persons in their jurisdictions. ...

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## 8. EU Amends Restrictive Measures Concerning Bosnia and Herzegovina & Egypt

(Source: [Official Journal of the European Union](#), 22 Mar 2019.)

### *Regulations:*

\* [Council Implementing Regulation \(EU\) 2019/459](#) of 21 March 2019 implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

### *Decisions:*

\* [Council Decision \(CFSP\) 2019/467](#) of 21 March 2019 amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina

\* [Council Decision \(CFSP\) 2019/468](#) of 21 March 2019 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

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## 9. German BAFA Publishes Preliminary Information on the Renewal and Amendment of Multiple General Authorizations

(Source: [German BAFA](#), 21 Mar 2019.)

The German Federal Office for Economic Affairs and Export Control (BAFA) published preliminary information on the renewal and amendment of General Authorizations No. 18 to 27 and No. 30.



BAFA intends to extend General Authorizations No. 18 to No. 27 and No. 30 until 31.03.2020.

More details on all German General Export Authorizations can be found [here](#).

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## 10. UK/OFSI Updates Three Sanctions Guidance Documents

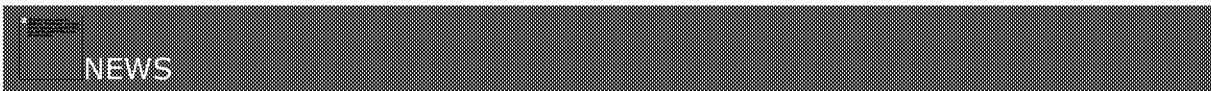
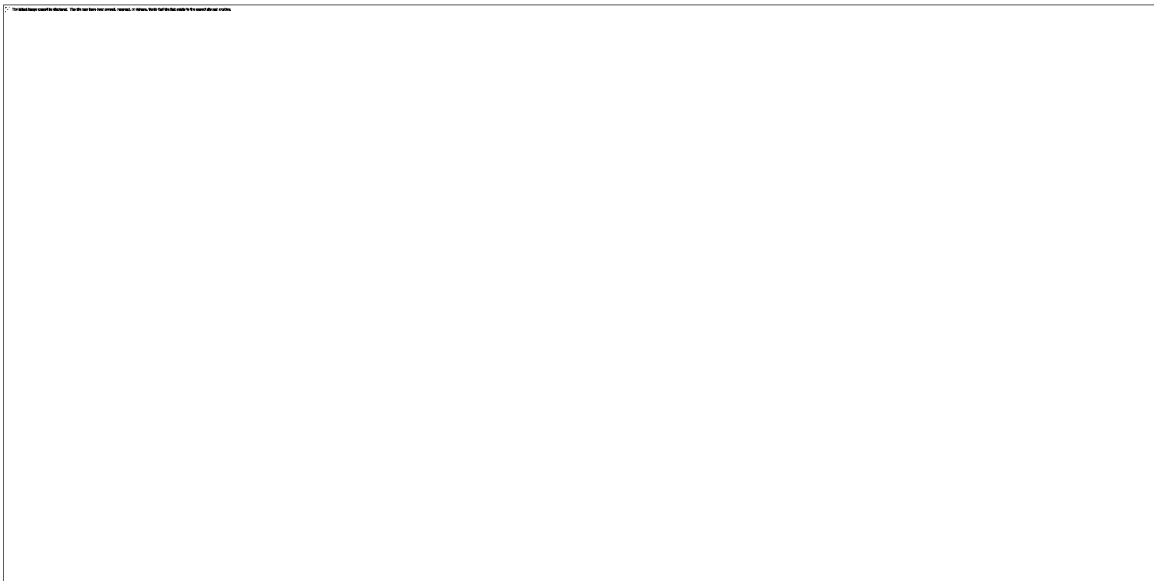
(Source: [UK/OFSI](#), 21 Mar 2019.)

The UK Office of Financial Sanctions Implementation (OFSI) has updated several of its guidance documents:

- [UK Sanctions on Zimbabwe](#)
- [UK Sanctions on the Republic of Belarus](#)
- [UK Sanctions if there's no Brexit deal](#)
- [Financial Sanctions Notice on Iraq](#)

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## 11. Expeditors News: "European Council Extends the UK Withdrawal from the EU"

(Source: [Expeditors News](#), 22 Mar 2019.)

On March 21, 2019, the European Council agreed to an extension on the United Kingdom (UK) withdrawing from the European Union (EU).

The European Council extended the withdrawal date to April 12, 2019, unless the UK's House of Commons approves the withdrawal agreement by next week. In that instance, the European Council has agreed to an extension until May 22, 2019.

The European Council's press release may be found [here](#).

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## 12. Osburn Oracle: "US Judge Extends Ban on Publication of 3D Printed Gun Blueprints"

(Source: [Osburn Oracle](#), 21 Mar 2019.)

A US judge extended a ban on publishing blueprints for 3D printed guns online, handing a procedural victory to states and gun-control groups that argue the practice will make it easy for criminals and terrorists to get their hands on untraceable firearms.

The injunction against Austin, Texas-based Defense Distributed was issued Monday by US District Judge Robert Lasnik in Seattle, where 19 states and Washington, DC, to block it from making technical plans for an array of guns available globally on the internet with the government's blessing. The injunction will remain in place until the suit is resolved.

The 3D printing of guns gained urgency after Defense Distributed reached a surprise settlement with President Donald Trump's administration resolving a 2015 government challenge. Former President Barack Obama's administration had sued the firm on national-security grounds, alleging the publishing of gun schematics violated the federal Arms Export Control Act.

Trump said in July that allowing unfettered public access to instructions for making guns with 3D printers doesn't "seem to make much sense" but hasn't fought to stop it.

In Monday's ruling, Lasnik criticized the government's argument that the states won't be harmed by publication of the blueprints because the federal government is committed to battling undetectable firearms. The "very purpose" of Defense Distributed's plan is to "arm every citizen outside of the government's traditional control mechanisms," the judge said.



"It is the untraceable and undetectable nature of these small firearms that poses a unique danger," Lasnik said. "Promising to detect the undetectable while at the same time removing a significant regulatory hurdle to the proliferation of these weapons - both domestically and internationally - rings hollow and in no way ameliorates, much less avoids, the harms that are likely to befall the states if an injunction is not issued."

Josh Blackman, a lawyer for Defense Distributed, said the company is reviewing the decision and considering all its options.

The ruling was hailed by New York Attorney General Barbara Underwood in a statement on Twitter.

Avery Gardiner, co-president of the Brady Campaign to Prevent Gun Violence, said the decision is "an unqualified success for the American public and, indeed, the global community.

"3D-printed guns represent a supreme threat to our safety and security, and we are grateful that Judge Lasnik recognized it as such," Gardiner said in a statement.

The Trump administration once appeared to back Obama's stance. In April, the US urged dismissal of the company's lawsuit, highlighting the "potentially devastating" implications of online gun designs getting into the hands of terrorists, according to the Brady Center.

Weeks later, the government offered a settlement which gave the plaintiffs "everything they asked for, and more," the Brady Center said. The US agreed to pay the company almost \$40,000, a court filing shows.

"I'm glad we put a stop to this dangerous policy," Washington State Attorney General Bob Ferguson said in an emailed statement. "But I have to ask a simple question: Why is the Trump Administration working so hard to allow these untraceable, undetectable, 3D-printed guns to be available to domestic abusers, felons and terrorists?"

The State Department, which struck the deal with Defense Distributed, is also named in the suit. The US changed the regulation after deciding firearms up to .50 calibre "would not provide a military advantage to adversaries and therefore no longer warrant export control," according to the ruling.

The US's argument that the federal government is limited in the matter to exports while the states' concerns are "purely domestic," according to Monday's ruling.

"Defendants' argument is so myopic and restrictive as to be unreasonable," Lasnik said. "Whatever defendants' statutory authority, the fact is that the internet is both domestic and international."

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### 13. Reuters: "Trump Says He Is Withdrawing Earlier North Korea-Related Sanctions"

(Source: [Reuters](#), 22 Mar 2019.)

U.S. President Donald Trump on Friday said he was ordering the withdrawal of recently announced North Korea-related sanctions imposed by the U.S. Treasury Department.

"It was announced today by the U.S. Treasury that additional large-scale Sanctions would be added to those already existing Sanctions on North Korea," Trump said on Twitter. "I have today ordered the withdrawal of those additional Sanctions!"

It was not immediately clear what sanctions Trump was referring to. There were no new U.S. sanctions on North Korea announced on Friday but on Thursday the United States blacklisted two Chinese shipping companies that it said helped North Korea evade sanctions over its nuclear weapons program.

White House spokeswoman Sarah Sanders did not specify which sanctions Trump spoke of but said: "President Trump likes Chairman Kim (Jong Un) and he doesn't think these sanctions will be necessary."

The sanctions on the Chinese shippers were the first since the second U.S.-North Korea summit broke down last month. Hours after the sanctions announcement, North Korea on Friday pulled out of a liaison office with the South, a major setback for Seoul.

North Korea said it was quitting the joint liaison office set up in September in the border city of Kaesong after a historic summit between leader Kim Jong Un and South Korea's President Moon Jae-in early last year.

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### 14. ST&R Trade Report: "Tariffs to Remain in Place After China Deal, Trump Says"

(Source: [Sandler, Travis & Rosenberg Trade Report](#), 22 Mar 2019.)

President Trump indicated this week that higher tariffs on \$250 billion worth of goods imported from China will remain in place for the foreseeable future. The president's stance could complicate efforts to secure a bilateral trade agreement.

Senior U.S. officials will travel to Beijing next week to continue negotiations on an agreement aimed at resolving issues such as forced technology transfer, intellectual property rights, currency, and agriculture. Chinese officials could follow up with a visit to Washington in early April and presidents Trump and Xi Jinping could meet in late April to conclude a deal.



According to press sources, one of the key issues negotiators have struggled with in recent weeks has been enforcement; i.e., measures the U.S. could take if China does not comply with the commitments it makes in any final agreement. Trump administration officials have indicated a preference for reimposing tariffs in such a case, with no retaliatory tariffs allowed by China.

However, Trump said March 20 that "we're not talking about removing" the existing tariffs but instead are talking about "leaving them for a substantial period of time ... to make sure that ... China lives by the deal." A Washington Post article notes that this approach is not new for Trump, as he has maintained tariffs on steel and aluminum imports from Canada and Mexico even after reaching agreement with them on revisions to NAFTA.

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## COMMENTARY



### 15. International Trade Compliance Blog: "EU-Commission Opens Consultation of EU-US Regulatory Cooperation"

(Source: [Baker McKenzie](#), 18 Mar 2019.)

The European Commission has opened a [consultation](#) with stakeholders relating to regulatory cooperation activities with the United States as a follow up to the 25 July 2018 meeting between the President of the US and the President of the European Commission. An [interim progress](#) report was published on 30 January, providing a detailed overview on the state of the work of the Executive Working Group, which was formed after the July meeting, and lists a number of concrete actions where regulatory cooperation can facilitate transatlantic trade such as pharmaceuticals, medical devices and cybersecurity, by lowering regulatory barriers. Similar progress reports will be published at regular intervals as the discussions with the US progress. Stakeholder input will be instrumental to making progress and identify solutions that allow us to facilitate trade while maintaining, if not enhancing, levels of regulatory protection.

The European Commission is inviting comments from all interested stakeholder groups on potential areas for regulatory co-operation with the United States. In particular, comments in the following areas are welcome:

- Conformity Assessment: a possible future agreement on conformity assessment aiming at a horizontal approach to facilitate the acceptance of certificates issued by the conformity assessment bodies of the other Party in a



number of selected sectors such as electric and electronic equipment, machinery, medical devices, toys, recreational crafts, pressure equipment, construction products, measuring instruments etc. In this regard, the Commission would welcome input by stakeholders, in particular on the barriers exporters face and the difficulties that conformity assessment bodies face in seeking accreditation in the other party;

- Dialogue on standards: the EU and the US for historical reasons adopted divergent standards in many sectors, leading to high adaptation costs for exporters. In order to facilitate trade in the future and increase regulatory convergence, cooperation on standards would focus especially on areas where no standards exist yet. Additive manufacturing, robotics and technical textiles have been identified as possible areas of cooperation. The Commission is also interested in receiving stakeholder input regarding other possible standard areas where such cooperation could bring trade benefits.

- Regulatory cooperation in sectors: the Commission would want to receive stakeholder input on concrete initiatives for regulatory cooperation in sectors with the potential of facilitating bilateral trade, while fully respecting EU levels of protection.

The closing date for the consultation is 23 April 2019. The European Commission will make public all written submissions received in response to this call for proposals. Submissions should be made to: [TRADE-EU-US-REG-COOP-CONSULTATION@ec.europa.eu](mailto:TRADE-EU-US-REG-COOP-CONSULTATION@ec.europa.eu).

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#### 16. L. Caponetti: "The Belgian Trade Control System: Legislation by Items-Category and Competent Authority" (Source: [ESU/ULG](#), 20 Mar 2019.)

\*Author: Lia Caponetti, Researcher, European Studies Unit (ESU), University of Liège (ULG), +32 4 366 46 84, [lcaponetti@uliege.be](mailto:lcaponetti@uliege.be).

This table sums up legislation in force in Belgium for the following categories of controlled items:

- Conventional weapons;
- Dual-use goods and technologies;
- Goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

The table breaks down the legislation in force by category of controlled items and by competent authority.

The Special Law of 12 August 2003 transfers the competence for arms and dual-use items licensing to the Regions, except the transfer of goods originating from the Belgian military or police.



More precisely, the Special Law transfers to the Regions: "The import, export and transit of arms, ammunition and equipment specifically intended for military or law enforcement use and related technology as well as dual-use goods and technology, without prejudice to the federal competence for import and export concerning the army and police and in accordance with the criteria laid down in the European Union Code of Conduct on Arms Exports".

It follows that Regions have a competence in licensing operations clearly listed in the Special Law (import, export and transit), while not listed operations, such as brokering activities, remain a Federal competence.

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## 17. M. Hamilton: "Empowered Officials Are Necessary for ITAR Compliance

(Source: [Tucker Arensberg](#), 20 Mar 2019.)

\* Author: Mark Hamilton, Esq., Tucker Arensberg Attorneys,  
[mhamilton@tuckerlaw.com](mailto:mhamilton@tuckerlaw.com).

The International Traffic in Arms Regulations (ITAR) requires companies to appoint Empowered Officials. See 22 CFR § 120.25. Failure to take this requirement seriously can be costly - as one company recently found out. Here's what you need to know.

An Empowered Official must be a lawful permanent US resident that:

- (1) Your company or its subsidiary directly employs in a position of authority pertaining to your company's policy or management;
- (2) This person must be given written legal authority to sign license applications or other such requests for your company;
- (3) This person must understand the relevant export control regimes, including the criminal, civil and administrative penalties for violations of both ITAR and the Arms Export Control Act; and
- (4) This person must have independent authority to:
  - (i) Make inquiries into your company's export, import and brokering activity;
  - (ii) Verify the legality of transactions and accuracy of information submitted on behalf of your company; and
  - (iii) Refuse to sign license applications or other requests without penalty or repercussion.

As you can see, the U.S. Government takes this requirement seriously. So your company's decision to appoint an Empowered Official should be carefully made and this person needs to be given the requisite authority and training to fulfill your company's responsibilities under the statute.

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18. M. Volkov: "Ethics, Profits, Sustainability and Stakeholders: An Update on a Familiar Relationship" (Source: [Volkov Law Group Blog](#), 22 Mar 2019.) Reprinted by permission.)

\* Author: Michael Volkov, Esq., Volkov Law Group, [mvolkov@volkovlaw.com](mailto:mvolkov@volkovlaw.com), 240-505-1992.

And now we return to a familiar theme with some important updates - I always start with the simple pro that does not mean that ethical companies will always be profitable, but it does mean that ethical companies will perform better than they would otherwise perform.

Some call this the ethical advantage or the ethical premium. I like to call it good old common sense. There is a growing body of research in this area confirming this connection between ethics and performance. I have cited this in earlier postings. ([Here](#)).

An interesting report in this area has been developed by JUST U.S. Large Cap Equity ETF (JUST). ([Here](#)).

Each year JUST capital conducts a survey on what it defines as ideal criteria for companies, focused on worker pay, well-being, customer treatment, privacy, beneficial products, environmental impact, job creation, strong communities and ethical leadership. The survey considers 80 items of information about each company and then ranks the companies. JUST created a index consisting of 428 companies and compared the performance of these 428 companies to the Russell 1000 companies over the period 2007 to 2018.

Lo and behold, the JUST index companies return was nearly 2 percent higher than the Russell's 1000 listing (10.4 percent to 8.7 percent). Additionally, the JUST companies delivered a 7 percent higher return on investment over the last five years than the Russell 1000 companies not included in the JUST Index.

Many continue to criticize and seek reform of our current financial reporting scheme and the obsession with quarterly financial reports. Some have suggested that this short-term perspective leads to short-sighted definition of business "success."

Measuring a company's profits requires a long-term perspective. But what do we mean by that? A three-month period, or quarter, is certainly not an accurate barometer of financial success. It takes time (and money) to invest in new products and services, implement a new competitive strategy, seek a competitive advantage in the market, or respond to consumer demands.

This is where ethical decision making or ethical business leadership can play a role. Applying this construct, ethical business leaders may ground themselves by weighing all stakeholders' interests (of which shareholders are one). Business leaders have to understand the context in which they operate and understand that they have stakeholders that are not just shareholders. A



company has a social contract that encompasses society and the community in which it operates.

At the same time, a short-term, quarterly perspective, forecloses consideration of efforts that require a longer time to materialize. Sometimes companies employ a more refined weighing of strategies that may bear fruit over a longer time period.

How does a company establish a positive image over the long term? There are a number of relevant factors, one of which is the company's fair and honest treatment of customers and employees. When consumers look for an industry leader and potential employees are considering employment opportunities, companies with ethical reputations and business practices are likely at the top of the list.

Shareholders consist of individuals and institutions that own company stock. Corporate boards and managers should not solely focus on immediate shareholder needs or input because responsible management includes long-term competition and sustainable growth.

A simple but helpful exercise is to create a page with three columns: the first consists of a list of all stakeholders in priority (e.g. shareholders, employees, vendors/suppliers, customers); the second includes a list of each stakeholder's interests and goals; and the third column lists the likely impact of a business decision on each stakeholder.

A company's intangible positive support is often referred to as "goodwill," i.e. the business's reputation, its brand name, its workforce attitude, and the loyalty of its customer base. The ethical performance of the company, its managers and its employees will increase the value of these components. The company's culture consists of shared beliefs, values and behaviors that create an internal environment within which managers, employees, and other stakeholders interact.

In this context, it is easy to see that a long-term view of business success is critical for accurately measuring profitability. If the company's stakeholders benefit from ethical conduct, increasing goodwill and profitability, the perspective of stakeholders will positively turn to longer-term and sustainable growth strategies.

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EX/IM TRAINING EVENTS & CONFERENCES





## 19. ECS Presents "2nd Annual ECS ITAR/EAR Symposium and Boot Camp" on 17-19 Sep in Annapolis, MD

(Source: S. Palmer, [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com).)

\*What: The 2nd Annual ECS ITAR/EAR Symposium and Boot Camp; Annapolis, MD

\* When: 17-19 September 2019

\* Where: [Chart House](#)

\* Sponsor: Export Compliance Solutions & Consulting (ECS)

\* ECS Speaker Panel: Suzanne Palmer, Mal Zerden, Lisa Bencivenga, Timothy Mooney, Matthew McGrath, Matt Doyle

\* Register [here](#) or by calling 866-238-4018 or e-mail

[spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com)

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## 20. FCC Presents "An Introduction to EU / Dutch Dual-Use and Military Export Controls", 7 May in Bruchem, the Netherlands

(Source: [Full Circle Compliance](#), [events@fullcirclecompliance.eu](mailto:events@fullcirclecompliance.eu).)

This 1-day training course is ideally suited for compliance professionals and those in a similar role who aim to gain a better understanding of EU and Dutch export control laws and regulations and industry's best practices to ensure compliance.

The course will cover multiple topics relevant for organizations subject to EU and Dutch dual-use and/or military export controls, including: the EU and Dutch regulatory framework; key concepts and definitions; practical tips regarding classification and licensing, and for ensuring a compliant shipment; identifying red flag situations and handling (potential) non-compliance issues; and the latest developments regarding Internal Compliance Program requirements in the EU and the Netherlands.

\* Training Event: "An Introduction to EU / Dutch Dual-Use and Military Export Controls"

\* Date: Tuesday, 7 May 2019

\* Location: Full Circle Compliance, Landgoed Groenhoven, Dorpsstraat 6, Bruchem, The Netherlands

\* Times:

- Registration and welcome: 9.00 am - 9.30 am

- Training course hours: 9.30 am - 4.00 pm

\* Level: Awareness / Beginner.

\* Target Audience: Compliance professionals or those in a similar role in any industry affected by EU/Dutch export controls (e.g., manufacturing, logistics, research & development, aerospace & defense, government, etc.).

\* Instructors: Marco F.N. Crombach MSc (Senior Manager) & Vincent J.A. Goossen MA (Program Manager).



\* Information & Registration: click [here](#) or contact us at [events@fullcirclecompliance.eu](mailto:events@fullcirclecompliance.eu) or 31 (0)23 - 844 - 9046.

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## 21. List of Approaching Events: 146 Events Posted This Week, Including 9 New Events (Sources: Editor and Event Sponsors)

Published every Friday or last publication day of the week, our overview of Approaching Events is organized to list continuously available training, training events, seminars & conferences, and webinars.

If you wish to submit an event listing, please send it to to [jobs@fullcirclecompliance.eu](mailto:jobs@fullcirclecompliance.eu), composed in the below format:

# \* Date: Location; "Event Title"; <Weblink>; EVENT SPONSOR

"# \*" = New or updated listing

### ***Continuously Available Training***

- \* E-Seminars: "[US Export Controls](#)" / "[Defense Trade Controls](#)"; Export Compliance Training Institute; [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com)
- \* Webinar: "[Company-Wide US Export Controls Awareness Program](#)"; Export Compliance Training Institute; [danielle@learnexportcompliance.com](mailto:danielle@learnexportcompliance.com)
- \* E-Seminars: "[ITAR/EAR Awareness](#)"; Export Compliance Solutions; [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com)
- \* Online: "[Simplified Network Application Process Redesign \(SNAP-R\)](#)"; Commerce/BIS; 202-482-2227
- \* E-Seminars: "[Webinars On-Demand Library](#)"; Sandler, Travis & Rosenberg, P.A.
- \* Online: "[International Trade Webinars](#)"; Global Training Center
- \* Online: "[On-Demand Webinars](#)"; "[General Training](#)"; Center for Development of Security Excellence; Defense Security Service (DSS)
- \* Online: "[ACE Reports Training and User Guide](#)"; DHS/CBP
- \* Online: "[Increase Your International Sales - Webinar Archive](#)"; U.S. Commercial Service
- \* Web Form: "[Compliance Snapshot Assessment](#)"; Commonwealth Trading Partners (CTP)
- \* Online: "[Customs Broker Exam Prep Course](#)"; The Exam Center

### ***Seminars and Conferences***

- \* Mar 24-27: Orlando, FL; "[2019 ICPA Annual Conference](#)"; ICPA
- \* Mar 25-27: San Francisco; "[Global Encryption, Cloud and Cyber Trade Controls Conference](#)"; Thomsen & Burke LLP;
- \* Mar 26: Leeds, UK; "[Understanding Exporting](#)"; Chamber International



- \* Mar 26-27: Pittsburgh, PA; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Mar 26-27: Scottsdale, AZ; "Managing ITAR/EAR Complexities"; Export Compliance Solutions (ECS); [spalmer@exportcompliancesolutions.com](mailto:spalmer@exportcompliancesolutions.com) or 866-238-4018
- \* Mar 27: Bristol, UK; "Classification of Goods - Using Commodity and Tariff Codes"; BusinessWest
- \* Mar 27: Bristol, UK; "Incoterms® Rules 2010"; BusinessWest
- # \* Mar 27: Washington D.C.; "Making Sanctions Effective: The Case of North Korea"; Committee on Foreign Affairs
- \* Mar 27-28: San Francisco, CA; "Global Encryption, Cloud & Cyber Trade Controls"; American Conference Institute
- \* Mar 28: Bristol, UK; "Introduction to Export Procedures"; BusinessWest
- # \* Mar 28: Geneva, Switzerland; "Sanctions in an era of trans-Atlantic Geopolitical Divergence"; Graduate Institute Geneva
- \* Mar 29: Leeds, UK; "How to Complete Export Declarations"; Chamber International
- \* Apr 1: Eindhoven, NL; "Export Control, Dual-use en Sancties"; Fenex
- \* Apr 2: Brussels, Belgium; "Dual-Use, Military Research & Misuse"; Vrije Universiteit Brussel
- \* Apr 2: Delft, The Netherlands; "Export Compliance Training"; Netherlands Aerospace Group and Full Circle Compliance
- \* Apr 1-4: Washington, DC; "ITAR Defense Trade Controls / EAR Export Controls Seminar"; ECTI
- \* Apr 2-3: Long Beach, CA; "Voluntary Disclosure/Self Disclosure and Exemptions/Exceptions Seminars"; SIA
- \* Apr 3-4: Denver, CO; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Apr 4-5; Miami, FL; "CTPAT Training"; SCS America
- \* Apr 9: Bruchem, The Netherlands; "Awareness Course U.S. Export Controls: ITAR & EAR from a Non-U.S. Perspective"; Full Circle Compliance
- \* Apr 9: Sheffield, UK; "An Introduction to Export"; Sheffield Chamber of Commerce
- \* Apr 9: London, UK; "Strategic Export Control: Intermediate Practitioners Course"; UK/DIT
- # \* Apr 10: Arlington, VA; "Basic ITAR"; Barnes & Thornburg
- \* Apr 10: London, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* Apr 10: London, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* April 10: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Apr 16: Leeds, UK; "Export Documentation"; Chamber International
- \* Apr 17: Miami, FL; "CBP COMPLIANCE & ENFORCEMENT"; Diaz Trade Consulting
- \* Apr 17-18; Miramar, FL; "11th Maritime Forwarding, Freight Logistics & Global Chain Supply Workshop"; ABS Consulting;
- \* Apr 17-18: Scottsdale, AZ; "Complying with U.S. Export Controls"; Commerce/BIS
- \* April 18: Sheffield, UK; "International Trade Operations and Procedures (ITOPS)"; Sheffield Chamber of Commerce
- # \* Apr 23: Anaheim, CA; "Export Controls Essentials: What Finance Personnel Need to Know"; California State University



- \* Apr 23-24: Portsmouth, NH; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Apr 25: Portsmouth, NH; "Technology Controls"; Commerce/BIS
- \* Apr 25: London, UK; "Making better License Applications"; UK/DIT
- # \* Apr 25: Minneapolis, MN; "Importing 201: Advanced Import Compliance"; Global Training Center
- \* Apr 25-26: Dallas, TX; "Compliance Officer Training"; Globaleyes; andrewmell@getglobaleyes.com
- \* Apr 29-May 2: London, UK; "US Export Controls on Non-US Transactions: EAR, OFAC & ITAR Compliance for EU/UK and other Non-US Companies PLUS Other Country Controls Comparison to US"; ECTI
- \* Apr 30-May 1: Irvine, CA; "Complying with U.S. Export Controls"; Commerce /BIS
- \* Apr 30-May 1: Nashville, TN; "Mastering ITAR/EAR Challenges"; Export Compliance Solutions (ECS);
- \* May 1: Leeds, UK; "Understanding Exporting & Incoterms"; Chamber International
- \* May 2-3: Washington DC; "Economic Sanctions Enforcement and Compliance"; American Conference Institute
- \* May 5: Munich, Germany; "European and German Export Controls"; AWA;
- \* May 5-7: Savannah, GA; "2019 Spring Seminar"; National Association of Foreign Trade Zones (NAFTZ)
- \* May 6-7: Atlanta, GA; "2019 Spring Conference"; SIA
- \* May 7: Bruchem, The Netherlands; "An Introduction to EU / Dutch Dual-Use and Military Export Controls"; Full Circle Compliance
- \* May 8: Southampton, UK; "Strategic Export Control: Intermediate Practitioners course"; UK/DIT
- \* May 9: Southampton, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* May 9: Southampton, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* May 9: Sheffield, UK; "Essential Incoterms - Getting it Rights"; Sheffield Chamber of Commerce
- \* May 13-16: Washington, D.C.; "ITAR / EAR / OFAC Commercial and Military Export Controls. How ITAR, EAR & OFAC Regulations Impact Non-US Companies, Affiliates and Transactions"; ECTI;
- \* May 15: Bristol, UK; "A Foundation Course in Importing"; BusinessWest
- \* May 15-17; London, UK; "ICPA European Conference"; ICPA
- \* May 16: Bristol, UK; "Export Controls and Licensing"; BusinessWest
- \* May 16: Bristol, UK; "Inward Processing Relief"; BusinessWest
- \* May 16: Hamburg, Germany; "U.S. Export Controls and Embargoes & Sanctions for European Companies"; Hamburger Zollakademie
- \* May 16-17; Toronto, Canada; "ICPA Canada Conference"; ICPA
- # \* May 17: Milwaukee, WI; "Importing 201: Advanced Import Compliance"; Global Training Center
- \* May 19: Traverse City; "Export Compliance Overview Training"; Foster Swift Collins & Smith PC
- \* May 21: London, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade



- \* May 27-30: Singapore; "US Export Controls on Non-US Transactions: EAR, OFAC & ITAR Compliance for Asia and other Non-US Companies PLUS Other Country Controls Comparison to US"; ECTI;
- \* Jun 5-6: Seattle, WA; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Jun 7: Upper Marlboro, MD; "2019 Spring Golf Outing"; SIA
- \* Jun 10: Cleveland, OH; "Letters of Credit"; Global Training Center
- \* Jun 11: Cleveland, OH; "Export Doc & Proc"; Global Training Center
- \* Jun 11: Sheffield, UK; "Customs Procedures and Compliance in International Trade"; Sheffield Chamber of Commerce
- \* Jun 11-12: Detroit, MI; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Jun 12: Cleveland, OH; "Tariff Classification"; Global Training Center
- \* Jun 12: Derby, UK; "Strategic Export Control: Intermediate Practitioners course"; UK/DIT
- \* Jun 13: Cleveland, OH; "NAFTA Rules of Origin"; Global Training Center
- \* Jun 13: Derby, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* Jun 13: Derby, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* Jun 13: Detroit, MI; "How to Build an Export Compliance Program"; Commerce/BIS
- \* Jun 14: Cleveland, OH; "Incoterms® 2010 Rules"; Global Training
- \* Jun 17-20: San Diego, CA; "ITAR Defense Trade Controls / EAR Export Controls"; ECTI
- \* Jul 3: Bristol, UK; "Introduction to Export Procedures - Export Training"; BusinessWest
- \* Jul 3: Cambridge, UK; "Strategic Export Control: Intermediate Practitioners Course"; UK/DIT
- \* Jul 4: Cambridge, UK; "Strategic Export Control: Foundation Workshop"; UK/DIT
- \* Jul 4: Cambridge, UK; "Strategic Export Control: Licenses Workshop"; UK/DIT
- \* Jul 4: Bristol, UK; "Using Documentary Letters of Credit, Drafts and Bills"; BusinessWest
- \* Jul 4: Sheffield, UK; "An Introduction to Export"; Sheffield Chamber of Commerce
- \* Jul 8-9: Seattle, WA; "Boot Camp: Achieving ITAR/EAR Compliance"; Export Compliance Solutions (ECS);
- \* Jul 8 - 10: National Harbour, MD; "2019 Summer Back to Basics Conference"; SIA
- \* Jul 9-11: Washington; "BIS 2019 Annual Conference on Export Controls and Policy"; Commerce/BIS
- \* July 10: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Jul 11: Birmingham, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Jul 24-25: St. Louis, MO; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Aug 20-21: Cincinnati, OH; "Complying with U.S. Export Controls"; Commerce/BIS
- \* Aug 20-21: Milpitas, CA; "Complying with U.S. Export Controls"; Commerce/BIS



- \* Aug 22: Milpitas, CA: "Encryption Controls"; Commerce/BIS
- \* Sep 2, 9, 16: Rotterdam, the Netherlands; "Awareness training Export Control, Dual-use en Sancties"; FENEX
- \* Sep 8-11: Chicago, IL; "2019 Annual Conference and Exposition"; National Association of Foreign Trade Zones (NAFTZ)
- \* Sep 16-19: Austin, TX; "ITAR Controls / EAR & OFAC Export Controls (Sep 18-19) Seminar Series"; ECTI; 540-433-3977
- \* Sep 17: Sheffield, UK; "Customs Procedures and Compliance in International Trade"; Sheffield Chamber of Commerce
- \* Sep 17-19: Annapolis, MD; "The ECS 2nd Annual ITAR/EAR Symposium"; ECS
- \* Sep 20: Las Vegas; "EAR and OFAC Fundamentals: Export Control Of Dual-Use Equipment"; Barnes & Thornburg LLP
- \* Sep 25: Bristol, UK; "Classification of Goods - Using Commodity and Tariff Codes"; BusinessWest
- \* Sep 25: Bristol, UK; "Incoterms® Rules 2010"; BusinessWest
- \* Sep 25: London, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Sep 25: Sheffield, UK; "Essential Incoterms - Getting it Rights"; Sheffield Chamber of Commerce
- \* Sep 26: Bristol, UK; "Understanding The Paperwork"; BusinessWest
- \* Sep 30 - Oct 3; Amsterdam, NL; "ITAR Controls / EAR/OFAC Commercial and Military Controls"; ECTI; 540-433-3977
- \* Oct 7: Munich, Germany; "European and German Export Controls"; AWA
- \* Oct 14-17; Columbus, OH; "University Export Controls Seminar"; ECTI
- \* Oct 17: Sheffield, UK; "Export Documentation - How and Why?"; Sheffield Chamber of Commerce
- \* Oct 27: Singapore; "5th Asia Pacific Summit on Economic Sanctions Compliance and Enforcement"; American Conference Institute
- \* Oct 28-29: Washington D.C.; "2019 Fall Advanced Conference"; SIA
- \* Oct 28-31; Phoenix, AZ; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Nov 11-14; Washington, DC; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Nov 20: Bristol, UK; "Introduction to Export Procedures - Export Training"; BusinessWest
- \* Nov 21: Bristol, UK; "A Foundation Course in Importing"; BusinessWest
- \* Nov 26: Bruchem, The Netherlands; "The International Traffic in Arms Regulations (EAR) from a non-U.S. Perspective"; Full Circle Compliance
- \* Nov 27: Bruchem, The Netherlands; "The Export Administration Regulations (EAR) from a non-U.S. Perspective"; Full Circle Compliance
- \* Nov 27: Manchester, UK; "US & UK Export Controls: A Basic Understanding"; The Institute of Export and International Trade
- \* Dec 4-5: New York, NY; "10th Annual New York Forum on Economic Sanctions"; American Conference Institute
- \* Dec 4-5: Washington, DC; "36th International Conference on the Foreign Corrupt Practices Act"; American Conference Institute
- \* Dec 9-12; Miami, FL; "ITAR Controls / EAR & OFAC Export Controls Seminar Series"; ECTI
- \* Dec 12-13; Washington D.C.; "Coping with U.S. Export Controls and Sanctions 2019"; Practicing Law Institute



## 2020

\* Jan 30-31: Houston, TX; "14th Forum on the Foreign Corrupt Practices Act"; American Conference Institute

### **Webinars**

- \* Mar 26: Webinar: "Duty Drawback"; CITTA Brokerage Co.
- \* Mar 27: Webinar: "Trade in Turmoil [Monthly Update]"; Sandler, Travis & Rosenberg, P.A
- \* Apr 2: Webinar: "Cornerstones of EAR Compliance: Controlled Items, Activities & Hardware Classification"; ECTI; 540-433-3977
- \* Apr 8: Webinar: "Export Control Compliance: Creating And Self Assessing Your Export Control Program (ECP) To Sanctioned Countries"; GRC Educators
- \* Apr 10: Webinar: "Cornerstones of EAR Compliance: Technology & Software Classification, and No License Required (NLR) Determination"; ECTI; 540-433-3977
- \* Apr 10: Webinar: "Import Compliance Bootcamp"; Sandler, Travis & Rosenberg, P.A
- \* Apr 16: Webinar: "CFIUS Update: New Requirements to Meet, New Industries Affected"; ECTI; 540-433-3977
- # \* Apr 16: Webinar: "Importing 201: Advanced Import Compliance"; Global Training Center
- \* Apr 17: Webinar: "Cornerstones of EAR Compliance: Understanding License Exceptions & End-Use(r) Controls"; ECTI; 540-433-3977
- \* Apr 23: Webinar: "How to Improve Export Compliance with Effective Audits"; ECTI; 540-433-3977
- \* Apr 23: Webinar: "ITAR Training Basics - For Compliance Executives April"; CVG Strategy
- \* Apr 24: Webinar: "Cornerstones of EAR Compliance: License Application Process & Export Clearance"; ECTI; 540-433-3977
- \* Apr 25: Webinar: "Best Practices for Voluntary and Required Self Disclosures"; Massachusetts Export Center
- # \* May 22: Webinar: "ITAR"; Global Training Center
- # \* May 23: Webinar: "EAR"; Global Training Center

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### EDITOR'S NOTES



22. Bartlett's Unfamiliar Quotations  
(Source: Editor)



\* **Louis L'Amour** (Louis Dearborn L'Amour; 22 Mar 1908 - 10 Jun 1988; was an American novelist and short-story writer. His books consisted primarily of Western novels; however, he also wrote historical fiction as well as poetry and short-story collections. Many of his stories were made into films. At the time of his death almost all of his 105 existing works (89 novels, 14 short-story collections, and two full-length works of nonfiction) were still in print, and he remains one of the world's most popular writers.)

- *"Often I hear people say they do not have time to read. That's absolute nonsense. In the one year during which I kept that kind of record, I read twenty-five books while waiting for people. In offices, applying for jobs, waiting to see a dentist, waiting in a restaurant for friends, many such places."*

#### **Friday's proverbs:**

- \* Character is always corrupted by prosperity. | Icelandic Proverb
- \* A fault confessed is half redressed. | Zulu Proverb
- \* Everyone is kneaded out of the same dough, but not baked in the same oven. | Yiddish Proverb

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\* \* \* \* \*



## **23. Are Your Copies of Regulations Up to Date?**

(Source: Editor)

The official versions of the following regulations are published annually in the U.S. Code of Federal Regulations (C.F.R.), but are updated as amended in the Federal Register. The latest amendments to applicable regulations are listed below.

\* DHS CUSTOMS REGULATIONS: 19 CFR, Ch. 1, Pts. 0-199. Implemented by Dep't of Homeland Security, U.S. Customs & Border Protection.

- Last Amendment: 12 Mar 2019: 84 FR 8807-8809: Extension of Import Restrictions Imposed on Archaeological and Ecclesiastical Ethnological Material From Honduras

\* DOC EXPORT ADMINISTRATION REGULATIONS (EAR): 15 CFR Subtit. B, Ch. VII, Pts. 730-774. Implemented by Dep't of Commerce, Bureau of Industry & Security.

- Last Amendment: 20 Dec 2018: 83 FR 65292-65294: Control of Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML); Correction [Concerning ECCN 7A005 and ECCN 7A105.]

\* DOC FOREIGN TRADE REGULATIONS (FTR): 15 CFR Part 30. Implemented by Dep't of Commerce, U.S. Census Bureau.

- Last Amendment: 24 Apr 2018: 83 FR 17749-17751: Foreign Trade Regulations (FTR): Clarification on the Collection and Confidentiality of Kimberley Process Certificates

- HTS codes that are not valid for AES are available [here](#).



- The latest edition (1 Jan 2019) of *Bartlett's Annotated FTR* ("BAFTR"), by James E. Bartlett III, is available for downloading in Word format. The BAFTR contains all FTR amendments, FTR Letters and Notices, a large Index, and approximately 250 footnotes containing case annotations, practice tips, Census/AES guidance, and explanations of the numerous errors contained in the official text. Subscribers receive revised copies in Microsoft Word every time the FTR is amended. The BAFTR is available by annual subscription from the Full Circle Compliance [website](http://www.FullCircleCompliance.eu). BITAR subscribers are entitled to a 25% discount on subscriptions to the BAFTR. Government employees (including military) and employees of universities are eligible for a 50% discount on both publications at [www.FullCircleCompliance.eu](http://www.FullCircleCompliance.eu).

\* DOD NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPOM): DoD 5220.22-M. Implemented by Dep't of Defense.

- Last Amendment: 18 May 2016: Change 2: Implement an insider threat program; reporting requirements for Cleared Defense Contractors; alignment with Federal standards for classified information systems; incorporated and cancelled Supp. 1 to the NISPOM (Summary [here](#).)

\* DOE ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES: 10 CFR Part 810; Implemented by Dep't of Energy, National Nuclear Security Administration, under the Atomic Energy Act of 1954.

- Last Amendment: 23 Feb 2015: 80 FR 9359, comprehensive updating of regulations, updates the activities and technologies subject to specific authorization and DOE reporting requirements. This rule also identifies destinations with respect to which most assistance would be generally authorized and destinations that would require a specific authorization by the Secretary of Energy.

\* DOE EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL; 10 CFR Part 110; Implemented by Dep't of Energy, U.S. Nuclear Regulatory Commission, under the Atomic Energy Act of 1954.

- Last Amendment: 20 Nov 2018, 10 CFR 110.6, Re-transfers.

\* DOJ ATF ARMS IMPORT REGULATIONS: 27 CFR Part 447-Importation of Arms, Ammunition, and Implements of War. Implemented by Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives.

- Last Amendment: 14 Mar 2019: 84 FR 9239-9240: Bump-Stock-Type Devices

\* DOS INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR): 22 C.F.R. Ch. I, Subch. M, Pts. 120-130. Implemented by Dep't of State, Directorate of Defense Trade Controls.

- Last Amendment: 19 Mar 2019: 84 FR 9957-9959: Department of State 2019 Civil Monetary Penalties Inflationary Adjustment

- The only available fully updated copy (latest edition: 19 March 2019) of the ITAR with all amendments is contained in *Bartlett's Annotated ITAR* ("BITAR"), by James E. Bartlett III. The BITAR is a 361-page Word document containing all ITAR amendments to date, plus a large Index, over 800 footnotes containing amendment histories, case annotations, practice tips, DDTC guidance, and explanations of errors in the official ITAR text. Subscribers



receive updated copies of the BITAR in Word by download, usually revised within 24 hours after every ITAR amendment. The BITAR is available by annual subscription from the Full Circle Compliance [website](#). BAFTR subscribers receive a \$25 discount on subscriptions to the BITAR, please [contact us](#) to receive your discount code.

\* DOT FOREIGN ASSETS CONTROL REGULATIONS (OFAC FACR): 31 CFR, Parts 500-599, Embargoes, Sanctions, Executive Orders. Implemented by Dep't of Treasury, Office of Foreign Assets Control.

- Last Amendment: 15 Mar 2019: 84 FR: 9456-9458: List of Foreign Financial Institutions Subject to Correspondent Account or Payable-Through Account Sanctions (CAPTA List)

\* USITC HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS, HTSA or HTSUSA), 1 Jan 2019: 19 USC 1202 Annex. Implemented by U.S. International Trade Commission. ("HTS" and "HTSA" are often seen as abbreviations for the Harmonized Tariff Schedule of the United States Annotated, shortened versions of "HTSUSA").

- Last Update: 7 Mar 2019: [Harmonized System Update \(HSU\) 1903](#) [contains 67 ABI records and 13 harmonized tariff records].

- HTS codes for AES are available [here](#).

- HTS codes that are not valid for AES are available [here](#).

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## 24. Weekly Highlights of the Daily Bugle Top Stories

(Source: Editor)

Review last week's top Ex/Im stories in "Weekly Highlights of Daily Bugle Top Stories" posted [here](#).

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## EDITORIAL POLICY

\* The Ex/Im Daily Update is a publication of FCC Advisory B.V., compiled by: Editor, James E. Bartlett III; Assistant Editors, Alexander P. Bosch and Vincent J.A. Goossen; and Events & Jobs Editor, Alex Witt. The Ex/Im Daily Update is emailed every business day to approximately 7,000 readers of changes to defense and high-tech trade laws and regulations. We check the following sources daily: Federal Register, Congressional Record, Commerce/AES, Commerce/BIS, DHS/CBP, DOE/NRC, DOJ/ATF, DoD/DSS, DoD/DTSA, FAR/DFARS, State/DDTC, Treasury/OFAC, White House, and similar websites of Australia, Canada, U.K., and other countries and international organizations. Due to space limitations, we do not post Arms Sales notifications, Denied Party listings, or



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Sent by [jebartlett@fullcirclecompliance.eu](mailto:jebartlett@fullcirclecompliance.eu)



Message

**From:** McKeeby, David I [McKeebyDI@state.gov]  
**Sent:** 3/25/2019 2:06:15 PM  
**To:** Monjay, Robert [MonjayR@state.gov]; Heidema, Sarah J [HeidemaSJ@state.gov]  
**Subject:** RE: Request for review -- Members' paper for subcommittee hearing on CATS I, II and III

Rob:

[REDACTED] Thanks!

Best,  
Dave

---

**David I. McKeeby**  
Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

☎ Phone: 202.647.8757 | 📠 BlackBerry: [REDACTED]  
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**From:** Monjay, Robert <MonjayR@state.gov>  
**Sent:** Monday, March 25, 2019 10:03 AM  
**To:** McKeeby, David I <McKeebyDI@state.gov>; Heidema, Sarah J <HeidemaSJ@state.gov>  
**Subject:** RE: Request for review -- Members' paper for subcommittee hearing on CATS I, II and III

Dave,

[REDACTED]

Thanks  
Rob

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** McKeeby, David I <McKeebyDI@state.gov>  
**Sent:** Monday, March 25, 2019 9:49 AM  
**To:** Heidema, Sarah J <HeidemaSJ@state.gov>



Cc: Monjay, Robert <MonjayR@state.gov>

Subject: RE: Request for review -- Members' paper for subcommittee hearing on CATS I, II and III

Colleagues:

Please advise and thanks,  
Dave

---

**David I. McKeeby**

Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

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**From:** Steffens, Jessica <[Jessica.Steffens@mail.house.gov](mailto:Jessica.Steffens@mail.house.gov)>

**Sent:** Monday, March 25, 2019 9:46 AM

**To:** McKeeby, David I <[McKeebyDI@state.gov](mailto:McKeebyDI@state.gov)>

**Cc:** Darrach, Tamara A <[DarrachTA@state.gov](mailto:DarrachTA@state.gov)>; DAgostino, Anthony <[DAgostinoA@state.gov](mailto:DAgostinoA@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Strike, Andrew P <[StrikeAP@state.gov](mailto:StrikeAP@state.gov)>

**Subject:** RE: Request for review -- Members' paper for subcommittee hearing on CATS I, II and III

Hi –

Thanks,  
Jess

---

**From:** McKeeby, David I <[McKeebyDI@state.gov](mailto:McKeebyDI@state.gov)>

**Sent:** Friday, March 22, 2019 2:55 PM

**To:** Steffens, Jessica <[Jessica.Steffens@mail.house.gov](mailto:Jessica.Steffens@mail.house.gov)>

**Cc:** Darrach, Tamara A <[DarrachTA@state.gov](mailto:DarrachTA@state.gov)>; DAgostino, Anthony <[DAgostinoA@state.gov](mailto:DAgostinoA@state.gov)>; Paul, Joshua M <[PaulJM@state.gov](mailto:PaulJM@state.gov)>; Strike, Andrew P <[StrikeAP@state.gov](mailto:StrikeAP@state.gov)>

**Subject:** RE: Request for review -- Members' paper for subcommittee hearing on CATS I, II and III

Jess:



Best,  
Dave

---

**David I. McKeeby**

Office of Congressional & Public Affairs  
Bureau of Political-Military Affairs (PM/CPA)  
U.S. Department of State

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**From:** Steffens, Jessica <[jessica.Steffens@mail.house.gov](mailto:jessica.Steffens@mail.house.gov)>  
**Sent:** Friday, March 22, 2019 12:16 PM  
**To:** McKeeby, David I <[McKeebyDI@state.gov](mailto:McKeebyDI@state.gov)>



**Cc:** Darrach, Tamara A <[DarrachTA@state.gov](mailto:DarrachTA@state.gov)>; DAgostino, Anthony <[DAgostinoA@state.gov](mailto:DAgostinoA@state.gov)>

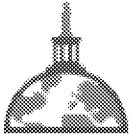
**Subject:** Request for review -- Members' paper for subcommittee hearing on CATS I, II and III

Hi David –



Thank you!

-Jessica



**Jessica L. Steffens**

**Senior Professional Staff, Foreign Affairs Committee Republicans**

w: [republicans-foreignaffairs.house.gov](http://republicans-foreignaffairs.house.gov)

e: [jessica.steffens@mail.house.gov](mailto:jessica.steffens@mail.house.gov) t: 202-226-8467



Appointment

---

**From:** Hart, Robert L [HartRL@state.gov]  
**Sent:** 3/25/2019 2:13:55 PM  
**To:** Garcia, Mariel C [GarciaMC3@state.gov]  
**Subject:** Accepted: Lunch and Learn - Category I, II, & III of the USML and the 45 day Implantation Period  
**Location:** 12th floor conference room  
**Start:** 3/26/2019 4:00:00 PM  
**End:** 3/26/2019 5:00:00 PM  
**Show Time As:** Busy  
  
**Recurrence:** (none)



Message

---

**From:** Heidema, Sarah J [HeidemaSJ@state.gov]  
**Sent:** 3/25/2019 5:10:58 PM  
**To:** McKeeby, David I [McKeebyDI@state.gov]  
**CC:** Monjay, Robert [MonjayR@state.gov]  
**Subject:** Document1  
**Attachments:** Document1.docx

Dave-

This was the kind of thing I was thinking about



Message

---

**From:** String, Marik A [StringMA@state.gov]  
**Sent:** 3/25/2019 9:58:01 PM  
**To:** McKeeby, David I [McKeebyDI@state.gov]  
**Subject:** 0326 HFAC Hearing--TWEETS  
**Attachments:** 0326 HFAC Hearing--TWEETS.docx

Dave, a few edits attached. Unless you have any further thoughts, could you accept changes and send in CLEAN copy to the same distro list? [REDACTED]

Thanks,  
Marik

**Sensitive but Unclassified/Deliberative Process/Pre-decisional**

**Official - SBU**  
**UNCLASSIFIED**

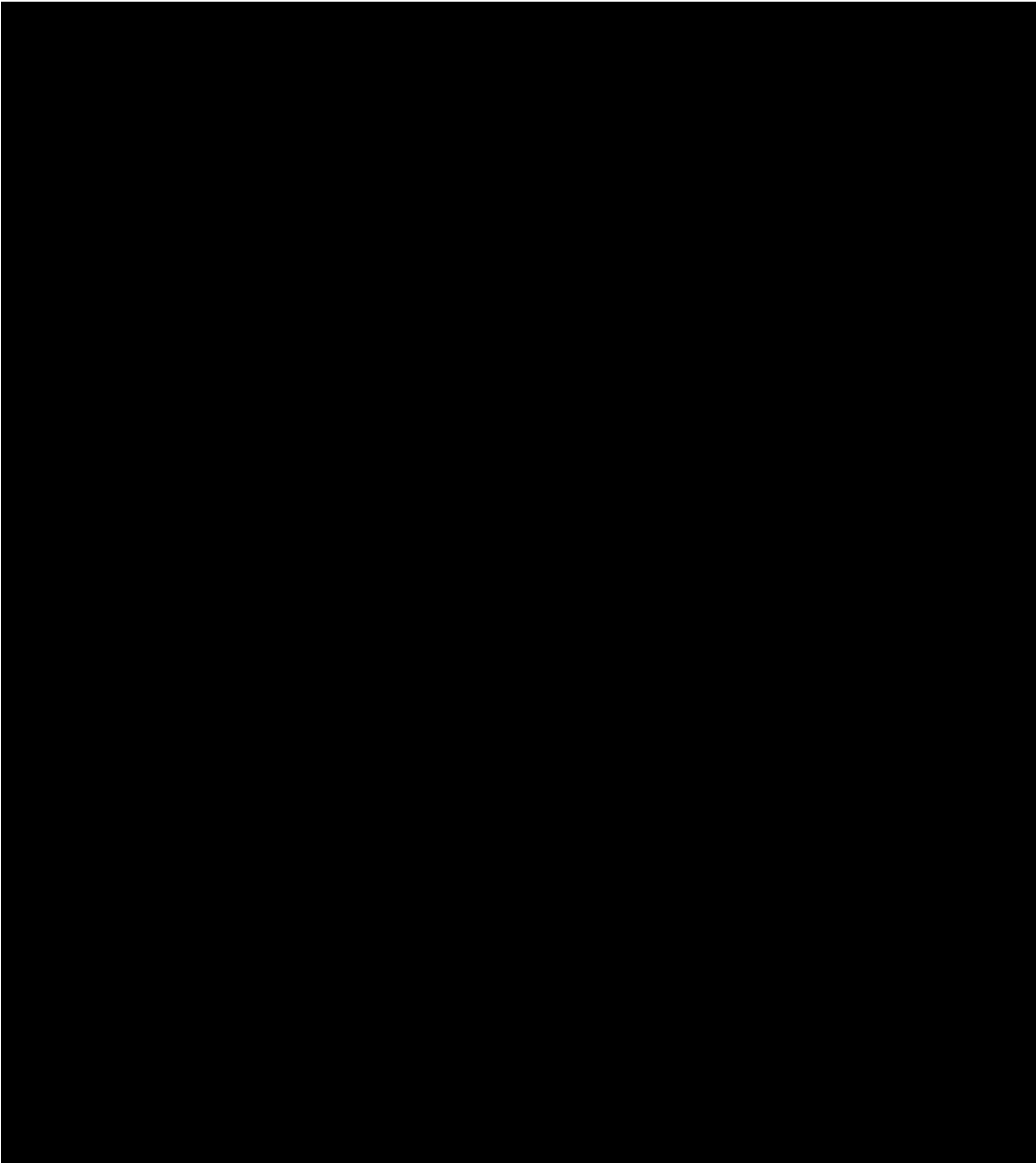


## Message

**From:** Faulkner, Charles S [/O=SBUSTATE/OU=EXTERNAL (FYDIBOHF25SPDLT)/CN=RECIPIENTS/CN=D0CAA96518E44DE2AABD1A774312199F]  
**Sent:** 3/25/2019 10:22:03 PM  
**To:** Buangan, Richard L [/o=SBUState/ou=External (FYDIBOHF25SPDLT)/cn=Recipients/cn=00ff9eb0b5f485ca9d49ffd0e836914]; S\_SpecialAssistants [/o=SBUState/ou=Al-Hillah/cn=Recipients/cn=S\_SpecialAssistants]  
**CC:** Taylor, Mary Elizabeth [/o=SBUState/ou=External (FYDIBOHF25SPDLT)/cn=Recipients/cn=04ed3f8b307649c18a7a6190ce49ee66-Taylor, Mary E]; Donnelly, Colleen G [/o=SBUState/ou=External (FYDIBOHF25SPDLT)/cn=Recipients/cn=b32e36768dd6494e8c6c802ebbc899cb]; Stoian, Daniel M [/o=SBUState/ou=External (FYDIBOHF25SPDLT)/cn=Recipients/cn=503d825e8dbb4a65ae6e310028bc62fc]; Moore, Jessica L [/o=SBUState/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3d515839f574539b252c136bae26c94-Moore, Jessica]; Tillou, Patrick A [/o=SBUState/ou=External (FYDIBOHF25SPDLT)/cn=Recipients/cn=0d54fec484014ebb8175dc5e839edde8]; Sandel, Jessika S [/o=SBUState/ou=External (FYDIBOHF25SPDLT)/cn=Recipients/cn=a02242083a8b401fb81d3ef5726d79fb]; Barz, Chloe O [/o=SBUState/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=341027d555b54c8a837efed6816ce556-Barz, Chloe O]  
**BCC:** prattjg@state.gov; singhm9@state.gov; breierk@state.gov; rademachpr@state.gov; kozakmg@state.gov; sullivanjj2@state.gov; satterfielddm2@state.gov; mcnerneypx@state.gov; salesna@state.gov; biegunse@state.gov; kisselme2@state.gov; wongan@state.gov; 'LogerfoGD@state.gov' [logerfogd@state.gov]; McKinley, P Michael [mckinleypm@state.gov]; rischcc@state.gov; madisonkd@state.gov; kennald@state.gov; friderestf@state.gov; harriska2@state.gov; obrienrc@state.gov; Hale, David M [haledm2@state.gov]; Pitkin, Douglas A [pitkinda@state.gov]; ehlingerjt@state.gov; schurmancj2@state.gov; JeffreyJF2@state.gov [jeffreyjf2@state.gov]; schwabcm@state.gov; bulataobj@state.gov; pobleteyd@state.gov; Kathleen Martin [martink@state.gov]; abramse@state.gov; wilezoldc@state.gov; nagytp@state.gov; EvanoffM@state.gov [evanoffm@state.gov]; uelandem@state.gov; giudam@state.gov; newsteadjg@state.gov; palladinorj@state.gov; wellsag@state.gov; murphywp@state.gov  
**Subject:** Bureau of Legislative Affairs – End of Day - March 25

- (U) HFAC: At 10am, the Subcommittee on Oversight and Investigations will hold a private panel hearing on Proposed Small Arms Transfers: Big Implications for U.S Foreign Policy which the proposed move of USML Categories I-III to the Commerce Control List is expected to be discussed.





Charles S. Faulkner  
Principal Deputy Assistant Secretary  
Bureau of Legislative Affairs (H)  
(202) 647-1656  
[FaulknerCS@state.gov](mailto:FaulknerCS@state.gov)